

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of adjustment of rates of)
Columbia Gas of Kentucky, Inc.) Case No. 2016 - 00162

PETITION FOR CONFIDENTIAL PROTECTION

Columbia Gas of Kentucky, Inc. ("Columbia") moves the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 to grant confidential treatment to the information described herein that is being provided in response to Item Nos. 3 and 6 of the Commission Staff's Second Request for Information and Item No. 39 of the Attorney General's Initial Request for Information. In support of this Petition, Columbia states as follows:

On July 8, 2016, Commission Staff issued its Second Request for Information to Columbia. Item No. 3 requests annual demand, consumption, and revenue information for a specific customer, AK Steel, as well as other large commercial or industrial customers. Item No. 6 requests information regarding compensation paid to Columbia's employees. Also on July 8, 2016, the Attorney General tendered its Initial Request for Information, which included Item No. 39 that requests detailed compensation information regarding Columbia's employees.

The Kentucky Open Records Act exempts from disclosure "information of a personal nature where the public disclosure thereof would constitute a clearly

unwarranted invasion of personal privacy.” KRS 61.878(a). In response to Item No. 3 of the Commission’s Staff’s requests, Columbia is providing detailed consumption and revenue data about one of its customers, AK Steel, and other large commercial and industrial customers. Columbia does not publicly disclose such information about its customers, and these customers have the right to expect that such customer-specific information would be treated confidentially by Columbia. The Commission has found that personal customer information warrants confidential protection. *See* May 29, 2008 Letter from Stephanie Stumbo to Mary Keyer in Case No. 2005-00455.

In response to Item No. 6 of the Commission Staff’s requests and Item No. 39 of the Attorney General’s requests, Columbia is providing detailed compensation information regarding its employees, which is of a personal nature. The Kentucky Court of Appeals has stated, “information such as ... wage rate ... [is] generally accepted by society as [a] detail [] in which an individual has at least some expectation of privacy.” *Zink v. Department of Workers’ Claims, Labor Cabinet*, 902 S.W.2d 825, 828 (Ky. Ct. App. 1994). The Commission should therefore give confidential treatment to the information included in these responses because disclosing the contents thereof would invade the privacy rights of the affected employees.

The information for which Columbia is seeking confidential treatment is not known outside of Columbia, and it is not disseminated within Columbia except to those employees with a legitimate business need to know the information.

Columbia requests that the information be held confidentially in perpetuity. Columbia cannot envision a period of time in which it would be appropriate for customers' private usage information or employees' personal compensation to be disclosed in the public realm.

The description of the responsive documents above demonstrates that they merit confidential treatment. If the Commission disagrees, however, it must hold an evidentiary hearing to protect the due process rights of Columbia and so that the Commission will have a complete record to enable it to reach a decision with regard to this matter. *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, Ky. App., 642 S.W.2d 591, 592-94 (1982).

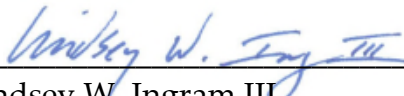
Columbia does not object to the disclosure of the information at issue to the parties to this proceeding upon the execution of a confidentiality agreement. Columbia is filing one paper copy under seal that identifies the information for which confidential protection is sought and one electronic copy with the same information obscured. The confidential portions have been designated by highlighting.

WHEREFORE, Columbia respectfully requests that the Commission grant confidential treatment for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated July 22, 2016

Respectfully submitted,

**COLUMBIA GAS OF KENTUCKY,
INC.**

By 
Lindsey W. Ingram III

Brooke E. Wancheck,
Assistant General Counsel
Stephen B. Seiple,
Assistant General Counsel
Joseph M. Clark, Senior Counsel
P.O. Box 117
290 W. Nationwide Blvd.
Columbus, Ohio 43216-0117
Telephone: (614) 460-4648
Fax: (614) 460-8403
Email: bleslie@nisource.com
sseiple@nisource.com
josephclark@nisource.com

Lindsey W. Ingram, III
Stoll Keenon Ogden, PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
Telephone: (859) 231-3982
Fax: (859) 246-3672
Email: l.ingram@skofirm.com

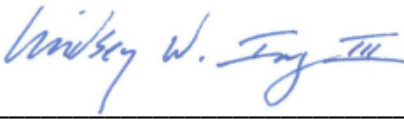
Richard S. Taylor
225 Capital Avenue
Frankfort, Kentucky 40601
Telephone: (502) 223-8967
Fax: (502) 226-6383
Email: attysmitty@aol.com

Attorneys for
**COLUMBIA GAS OF KENTUCKY,
INC.**

CERTIFICATE

This certifies that Columbia Gas of Kentucky, Inc.'s electronic filing is a true and accurate copy of the documents to be filed in paper medium except for those for which confidentiality is sought; that the electronic filing has been transmitted to the Commission on July 22, 2016; that a paper copy of the filing will be delivered to the Commission within two business days of the electronic filing; and that no party has been excused from participation by electronic means.

STOLL KEENON OGDEN PLLC

By: 

Attorneys for Columbia Gas of Kentucky, Inc.