

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 No. 38 of the Attorney General's Initial Request for Information. In support of this Petition, Columbia states as follows:

On July 8, 2016, the Attorney General tendered its Initial Request for Information, which included Item No. 38 that requests copies of any salary surveys/studies or analysis of prevailing wage and salary amounts or any other documents utilized in the process of determining the amount of compensation, benefits, bonuses, and raises for wage and salaried employees. By agreement with the Attorney General, Columbia had until July 29, 2016 to attempt to obtain the necessary consents to provide documents responsive to this request that were prepared and purchased from third party providers.

The Kentucky Open Records Act exempts from disclosure certain confidential or proprietary information. KRS 61.878(1)(c). To qualify for this exemption, and,

therefore, maintain the confidentiality of the information, a party must establish that disclosure of the information would permit an unfair commercial advantage to competitors of the party seeking confidentiality.

In response to Item No. 38, Columbia is providing salaries and studies that are the product of extensive time and substantial investment by Columbia and its parent company, NiSource. In order to produce these documents, Columbia had to obtain the express permission of the survey providers, including Mercer, Towers Watson, Aon Hewitt, and World at Work. Each of these providers have requested that Columbia seek confidential protection of this information, as these providers require their customers – such as Columbia – to pay to access these studies and the data therein; the providers rightfully consider this work proprietary. Allowing other utilities (or any other companies) to obtain the proprietary work product of these efforts for free would place Columbia and the survey providers at a competitive disadvantage. The Commission has previously found that such documents merit confidential protection in prior Columbia cases. *See Case No. 2013-00167, In the Matter of: Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates for Gas Service* (Ky. PSC Oct. 29, 2013).

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 this proprietary and confidential information 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).

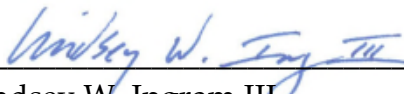
Columbia does not object to the disclosure of the information at issue to the parties to this proceeding upon the execution of a confidentiality agreement. Columbia is filing one paper copy under seal that identifies the information for which confidential protection is sought and one electronic copy with the same information obscured. Columbia is seeking confidential protection of the documents in their entirety.

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 28, 2016

Respectfully submitted,

**COLUMBIA GAS OF KENTUCKY,
INC.**

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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 28, 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.