

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:)
)
APPLICATION OF COLUMBIA GAS) Case No. 2016-00162
OF KENTUCKY, INC. FOR AN)
ADJUSTMENT OF RATES)

**MOTION OF COLUMBIA GAS OF KENTUCKY, INC.
FOR CONFIDENTIAL TREATMENT OF RESPONSE TO
STAFF FIRST DATA REQUEST NO. 35**

Pursuant to KRS § 61.878(1)(c) and 807 KAR 5:001 § 13, Columbia Gas of Kentucky, Inc., (“Columbia”) moves the Kentucky Public Service Commission (“Commission”) to grant confidential protection indefinitely to the attachments provided by Columbia in response to Data Request No. 35 of the Commission Staff’s First Request for Information. Data Request No. 35 asks for “all wage, compensation, and employee benefits studies, analyses, and surveys conducted since Columbia’s last rate case or that are currently utilized by Columbia.” In support of this motion, Columbia states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain confidential or proprietary information.¹ To qualify for this exemption, and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the

¹ KRS § 61.878(1)(c).

information would permit an unfair commercial advantage to competitors of the party seeking confidentiality.

2. The attachments contained in response to Data Request No. 35 consist of commercial information that is confidential and proprietary, the disclosure of which would unfairly advantage NiSource's and Columbia's competitors. If those competitors have access to the same information that NiSource expended substantial resources to develop, they will derive an unfair commercial advantage. Moreover, the vendors with which NiSource and Columbia consult to develop the information provided in the attachments expect this information will be kept confidential and not released publicly. If this proprietary information is not protected from public disclosure, such disclosure will likely impact NiSource and Columbia's ability to retain consultants to perform these services in the future.

3. The Commission granted Columbia's request for protective treatment of the same information in Columbia's last rate case.² Additionally, the Commission granted protective treatment in two recent Kentucky-American Water Company rate cases for very similar requests.³ Columbia respectfully requests that this same confidential

² *Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates for Gas Service*, PSC Case No. 2013-00162, Order Regarding Request for Confidential Treatment (September 27, 2013).

³ See *Application of Kentucky-American Water Company for an Adjustment of Rates Supported by a Fully Forecasted Test Year*, PSC Case No. 2012-00520, Order Regarding Request for Confidential Treatment (April 17, 2014); and *In the matter of the Application of Kentucky-American Water Company for an Adjustment of Rates*, PSC Case No. 2010-00036, Letter Granting Petitions for Confidentiality (June 16, 2010).

treatment again be granted in this proceeding in line with the Commission's consistent precedent for this type of confidential and proprietary information.

4. Columbia requests that the attachments contained in the response to Data Request No. 35 be held confidentially in perpetuity, just as the Commission did in Columbia's 2013 rate case. Columbia cannot envision a period of time in which it would be appropriate for Columbia's proprietary and confidential commercial information to be disclosed in the public realm.

5. 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.⁴

6. 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. For the attachments contained in the response to Data Request No. 35, in compliance with 807 KAR 5:001 section 13(2)(e), 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. Because confidential treatment is sought for the entirety

⁴ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, Ky. App. 642 S.W.2d 591, 592-594 (1982).

of the attachments to Data Request No. 35, written notification that the entire document is confidential has been noted in lieu of highlighting and Columbia has also printed on yellow paper the copy of the response to be filed on paper under seal.

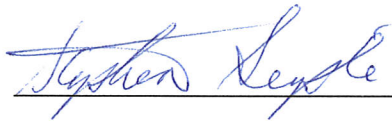
7. By granting this motion and providing for confidential treatment of Columbia's response to this data request, the Commission and the parties can fully evaluate Columbia's proposed application for an adjustment in rates, while maintaining the general confidentiality of such data, thereby balancing the public interest with the confidentiality and proprietary interests identified in KRS § 61.878(1)(c).

WHEREFORE, Columbia respectfully requests that the Commission issue an order granting the confidential treatment of Columbia's response to Data Request No. 35 in perpetuity, 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 at Columbus, Ohio, this 10th day of June 2016.

Respectfully submitted,

COLUMBIA GAS OF KENTUCKY, INC

By:  _____

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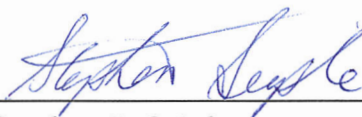
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CERTIFICATE OF SERVICE

This certifies that Columbia's electronic filing is a true and accurate copy of the documents to be filed in paper medium with the exception of documents for which confidential treatment is sought; that the electronic filing has been transmitted to the Commission on June 10, 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.



Stephen B. Seiple

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