

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF  
ATMOS ENERGY CORPORATION  
FOR PRP RIDER RATES

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Case No. 2016-00262

**PETITION FOR CONFIDENTIALITY  
FOR RESPONSE TO STAFF'S SECOND  
SET OF INFORMATION REQUESTS**

Atmos Energy Corporation ("Atmos Energy") petitions the Commission for an Order granting confidential protection of one document being provided in response to the Staff's RFI 2-03(b) dated September 29, 2016, pursuant to 807 KAR 5:001, Section 13 and KRS 61.878. The document being filed in response to Staff RFI No. 2-03(b) is styled "Settlement, Release and Confidentiality Agreement" and was executed by Atmos Energy and the Kentucky Department of Revenue (the "Agreement"). The Agreement expressly provides that it is to be treated as confidential except for the limited exceptions stated therein, none of which apply here.

The Kentucky Open Records Act exempts certain records from public disclosure. KRS 61.878(1)(c) (2)(b) provides as follows:

"61.878

- (1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction, except that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:
2. Upon and after July 15, 1992, records confidentially disclosed to any agency or required by an agency to be disclosed to it, generally recognized a confidential or proprietary, which are compiled and maintained:

b. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154;”

The Agreement falls within the protected parameters of KRS 61.878(1)(c)(2)(b).

Atmos Energy requests that the information be held confidentially indefinitely.

For these reasons, Atmos Energy requests that the document identified in this petition be treated as confidential indefinitely. Should the Commission determine that the document is not to be given confidential protection, Atmos Energy requests a hearing prior to any public release of the information to preserve its rights to notice of the grounds for the denial and to preserve its right of appeal of the decision.



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