

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

Application of Atmos Energy Corporation     )  
for an Adjustment of Rates                    ) Case No. 2017-00349  
and Tariff Modifications                      )

**PETITION FOR CONFIDENTIALITY  
FOR AMENDED RESPONSE TO 1-65 AND FOR SUPPLEMENTAL RESPONSE 1-71  
OF THE COMMISSION'S FIRST INFORMATION REQUEST**

Atmos Energy Corporation (Atmos Energy), by counsel, petitions for an order granting confidential protection of the amended response to the initial data request dated September 8, 2017, pursuant to 807 KAR 5:001, Section 13 and KRS 61.87. The original response to 1-65 was included in the petition for confidentiality filed on October 12, 2017.

Information in PSC 1-65 relates to employee salary and benefits. The information requested includes detailed classification and evaluation system benchmarks and parameters to be utilized by Atmos Energy in connection with its wage and salary plan. This information contains proprietary work product that requires confidentiality in order to retain its commercial value. Additionally, public disclosure of this information would provide competitors with access to exclusive information regarding employee compensation and internal employment/compensation strategies. Such public disclosure could unfairly harm Atmos Energy's competitive position in the marketplace for utility management

and skilled workers. Similar information was granted confidential protection in Farmer's RECC Case No. 2016-00365, Order of June 20, 2017 and Columbia Gas of Kentucky Case No. 2013-00169 in orders dated September 27, 2013 and October 29, 2013. This information was also treated as confidential by the Commission in Atmos Energy's prior case, 2015 -00343.

The three attachments to supplemental response 1-71 contain customer names, volumetric data and related adjustments.

The information sought by the Commission is not information customarily disclosed to the public and is generally recognized as confidential and proprietary. Atmos Energy is a utility operating in several states. The disclosure of detailed corporate salary and benefit information for its employees will provide its competitors with information that those competitors do not disclose to Atmos Energy. The information in PSC 1-65 is also of such a personal nature to be exempt from disclosure. As the Commission held in Case No. 90-013, In the Matter of: Adjustment of Rates of Western Kentucky Gas Company, dated June 5, 1990:

KRS 61.872(1) requires all public records to be open for inspection unless specifically exempted by law. The exemptions from this requirement are contained in KRS 61.878. Subsection (1) of that section exempts from disclosure "information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." This provision is intended to exempt from public disclosure any information contained in public records that relates the details of an individual's private life. The information is exempt from disclosure when the individual's privacy interest in the

information outweighs the public's interest in the information. Salaries and wages are matters of private interest which individuals have a right to protect, unless the public has an overriding interest in the information. No such overriding interest is presented here and the salaries and wages of the identified individual employees need not be disclosed.

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.

The information sought in the data requests is commercial information that if disclosed could cause substantial competitive harm to Atmos Energy. These portions of Atmos Energy's Response contain proprietary information that would aid competitors of Atmos Energy and such proprietary information is subject to protection from disclosure pursuant to Kentucky law. This information is not publicly available. It would be difficult or impossible for someone to discover this information from other sources. If this information were available to competitors in this form, they could use it to the competitive detriment of Atmos Energy. This information is not generally disclosed to non-management employees of Atmos Energy and is protected internally by the Company as proprietary information. The disclosure of this proprietary information would result in significant or irreparable competitive harm to Atmos Energy by providing its competitors with non-reciprocal competitive advantage. No public purpose is served by the disclosure of such information.

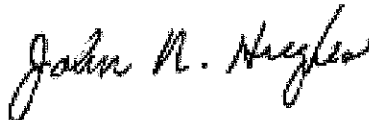
Atmos Energy requests that the information be held confidentially indefinitely. The statutes cited above do not allow for disclosure at any time. Given the competitive nature of the natural gas business and the efforts of non-regulated competitors to encroach upon traditional markets, it is imperative that regulated information remain protected and that the integrity of the tax filings remain secure.

For these reasons, Atmos Energy requests that the items identified in this petition be treated as confidential in their entirety. Should the Commission determine that some or all the material 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.

Submitted by:

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Certification:

I certify that is a true and accurate copy of the documents to be filed in paper medium; that the electronic filing was transmitted to the Commission on November 21, 2017; that

an original and one copy of the filing will be delivered to the Commission within two days;  
and that no party has been excused from participation by electronic means.

*John R. Hedges*