

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

In the matter of:)
)
PURCHASED GAS ADJUSTMENT) Case No. 2018-00253
FILING OF COLUMBIA GAS OF)
KENTUCKY, INC.)

**MOTION OF COLUMBIA GAS OF KENTUCKY, INC.
FOR CONFIDENTIAL TREATMENT OF RESPONSE TO
STAFF DATA REQUEST DATED MAY 16, 2018**

Pursuant to KRS § 61.878(1)(c), KRS § 61.878 (1)(k) 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 several of its responses and attachments to the Commission’s data requests issued on May 16, 2018 in Case No. 2018-00150. Specifically, Columbia requests confidential treatment of the following responses:

1. Data Request 1, Attachment A, parts 6 and 8
2. Data Request 2, Attachment A, B and C
3. Data Request 8, Attachment A
4. Data Request 9, Attachment A

In support of this motion, Columbia states as follows:

1. Columbia is a wholly-owned subsidiary of NiSource Gas Distribution Group, Inc. which is a wholly-owned subsidiary of NiSource Inc. ("NiSource"). NiSource is a registered holding company under the Public Utility Holding Company Act of 2005, whose principal office is located at 801 East 86th Avenue, Merrillville, IN 46410.

2. 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 the item requested is "generally recognized as confidential or proprietary" and that "disclosure of the information would permit an unfair commercial advantage to competitors of the party seeking confidentiality."

3. The information for which Columbia seeks confidentiality reveals fruits of negotiations, competitive terms, rates, and bids with suppliers. Specifically, Data Request 1, Attachment A, parts 6 and 8, Attachment C contain negotiated discounted rates. Data Request 2, Attachment A is a negotiated term agreement with supplier premiums. Data Request 2, Attachment B contains the actual winning bids (premiums) with supplier names included. Data Request 2, Attachment C contains the actual negotiated base contract with special negotiated terms and supplier information. Data Request 8, Attachment A contains "Bid Response Sheets" with the names of suppliers and their bids. Finally, Data Request 9, Attachment A contains Columbia's supply plan for summer of

¹ KRS § 61.878(1)(c).

2018. The responses and attachments, contain commercial information that is confidential and proprietary. Disclosure could cause substantial competitive harm to Columbia and NiSource, as well as to their suppliers.

4. The information contained in the responses to the aforementioned data requests is not publicly available and it would be difficult or impossible for someone to discover from other sources. Additionally, the documents have not been generally disclosed to its non-management employees and they are protected internally by the Company as confidential information.

5. Columbia requests that the responses and attachments described herein be held confidentially in perpetuity. 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.

6. The description of the responsive documents above demonstrate 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.²

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

7. 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. 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.

8. 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) and § KRS 61.878(1)(k).

9. **WHEREFORE**, Columbia respectfully requests that the Commission issue an order granting the confidential treatment of Columbia's response to Data Request 1, Attachment A, parts 6 and 8, Data Request 2, Attachment A, B and C, Data Request 8, Attachment A, and Data Request 9, Attachment A 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 30th day of July 2018.

Respectfully submitted,

COLUMBIA GAS OF KENTUCKY, INC

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COLUMBIA GAS OF KENTUCKY, INC.

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 July 30, 2018; 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.



Brooke E. Wancheck

Attorney for

COLUMBIA GAS OF KENTUCKY, INC.