

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

The Joint Application of Kentucky Frontier Gas, LLC )  
and Its individual Members Steven Shute, ) 2020-00241  
Robert Oxford and IGS, Inc, for Approval of Transfer )  
of Ownership of Oxford's and IGS's Interest )  
to Steven Shute )

**PETITION FOR CONFIDENTIALITY**

Joint Applicants, Steven Shute, Robert Oxford, IGS, Inc and Kentucky Frontier Gas, LLC, (Frontier) by counsel, move for confidential treatment of the information filed with the application for transfer of control. The Purchase Agreements among Shute, Oxford and IGS attached to the application contain proprietary information that would aid competitors of Frontier and such proprietary information is subject to protection from disclosure pursuant to Kentucky law. The Confidential Information relates to: (a) the purchase price for the acquisitions; (b) proprietary and sensitive economic data including corporate pricing forecasts; and (c) the terms, conditions and pricing for the sale and acquisition of current owners' shares of the LLC.

The Open Records Act exempts from disclosure certain confidential or proprietary information. KRS 61.878(1)(c). To qualify for exemption from public disclosure, it must be shown that disclosure of the information would permit an unfair commercial advantage to competitors of the party seeking confidentiality.

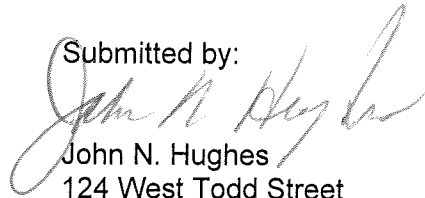
The information provided is commercial information that if disclosed could cause substantial competitive harm to Frontier. This information is not publicly available. It would be difficult or impossible for someone to discover this information from other sources. If this information were available to competitors in this form, they could use it to the competitive detriment of Frontier.

This information is not generally disclosed to non-management employees of Frontier 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 Frontier by providing its competitors with non-reciprocal competitive advantage. No public purpose is served by the disclosure of such information. The Kentucky Supreme Court has stated, "information concerning the inner workings of a corporation is "generally accepted as confidential or proprietary" *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). All the Confidential Information is critical to Frontier's effective execution of business decisions and strategy. If disclosed, the Confidential Information would give Frontier's competitors insights into Frontier's business operations, valuation and strategies that are otherwise publicly unavailable. Accordingly, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

Frontier 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, Frontier requests that the items identified in this petition be treated as confidential. Should the Commission determine that some or all of the material is not to be given confidential protection. Frontier 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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