

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

**IN THE MATTER OF:**

**ELECTRONIC REQUEST OF ATMOS ENERGY )  
CORPORATION FOR MODIFICATION AND )  
EXTENSION OF ITS GAS COST ADJUSTMENT ) CASE NO. 2020-00289  
PERFORMANCE BASED RATEMAKING )  
MECHANISM )**

**PETITION FOR CONFIDENTIALITY OF RESPONSES TO  
PUBLIC SERVICE COMMISSION AND ATTORNEY GENERAL'S  
DATA REQUESTS**

Atmos Energy Corporation ("Atmos Energy" or "Company"), petitions the Kentucky Public Service Commission ("Commission"), pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1)(c)1 and all other applicable law for confidential treatment of the information contained in the responses to Commission Question No. 2-1 and Attorney General's Question No. 2-6. In support of this petition, Atmos Energy states as follows:

1. On March 31, 2016 the Commission entered an Order in Case No. 2015- 00298 approving an extension, as modified, of Atmos' Experimental Performance Based Ratemaking Mechanism ("PBR") for a period of five (5) years. The Commission's Order required Atmos to file annual reports of its activities under the PBR program by August 31 of each year. The Commission's Order further required Atmos to file an evaluation on the results of the PBR program for the first four (4) years of the five (5) year extension. Atmos filed both the current annual report and the required four-year evaluation report for the period of June, 2016 through

May, 2020 on August 31, 2020.

2. The Commission in Question No. PSC 1-1 requested information about gas supply contract terms, pricing, savings and disclosure of pricing discounts, which contain internal economic analysis of pricing proposals, gas supply availability and competitively bid specifications and proposals.

3. The Company requested confidential treatment of Question No. PSC 1-1 on November 13, 2020 and that request is still pending. In Question No. PSC 2-1, the Commission Staff request the same information requested in Question No. PSC 1-1 in a different data format. Accordingly, for the same reasons the Company requested confidential treatment of Question No. PSC 1-1, it now requests confidential treatment of its response to Question No. PSC 2-1.

4. The Attorney General in Question No. AG 2-6 asked for PBR savings calculations from June 2020-through the present as well as analysis of confidential metrics for prior time periods. The requested calculations and analysis require the disclosure of gas supply contract terms, pricing, savings, pricing discounts and competitively bid information.

5. This type of information has been determined by the Commission in Atmos' prior PBR proceedings and in Case Nos. 2015-00348, 2016-00052 and 2019-00253 to be entitled to confidential protection. Nothing has occurred since the Commission granted confidential protection to this type of information that would now disqualify it from protection.

6. The information for which confidentiality is sought is entitled to protection under KRS 61.878 (1)(c) 1. which provides that "...records confidentially disclosed to an agency or required by any agency to be disclosed to it, generally recognized as confidential or proprietary, which is openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records..."shall remain confidential unless otherwise ordered by a court

of competent jurisdiction. The natural gas industry is very competitive. Atmos Energy has active competitors, who could use this information to their advantage and to the direct disadvantage of Atmos. All the information sought to be protected as confidential, if publicly disclosed, would have serious adverse consequences to Atmos and its customers. Public disclosure of this information would impose an unfair commercial disadvantage on Atmos. Atmos has successfully negotiated extremely advantageous gas supply contracts that are very beneficial to Atmos and its ratepayers. Detailed information concerning those contracts, including commodity costs, demand and transportation charges, reservations fees, etc. on specifically identified pipelines, if made available to Atmos' competitors, (including specifically non-regulated gas marketers), would clearly put Atmos and the ratepayers in an unfair commercial disadvantage. Those competitors for gas supply would be able to gain information that is otherwise confidential about Atmos' gas purchases and transportation costs and strategies.

7. Atmos would not as a matter of company policy disclose any of the information for which confidential protection is sought herein to any person or entity, except as required by law or pursuant to a court order or subpoena. Atmos' internal practices and policies are directed towards non-disclosure of this information. In fact, the information contained in the attached report is not disclosed to any personnel of Atmos except those who need to know to discharge their responsibility. Atmos has never disclosed such information publicly. This information is not customarily disclosed to the public and is generally recognized as confidential and proprietary in the industry.

8. There is no significant interest in public disclosure of the attached information. Any public interest in favor of disclosure of the information is outweighed by the competitive interest in keeping the information confidential.

9. The attached information is also entitled to confidential treatment because constitutes a trade secret under the two prong test of KRS 365.880: (a) the economic value of the information as derived by not being readily ascertainable by other persons who might obtain economic value by its disclosure; and, (b) the information is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The economic value of the information is derived by Atmos maintaining the confidentiality of the information since competitors and entities with whom Atmos transacts business could obtain economic value by its disclosure.

10. Pursuant to 807 KAR 5:001 (13) confidentiality of the attached information should be maintained 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 information remain secure.

11. For these reasons, Atmos Energy 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, 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.

WHEREFORE, Atmos petitions the Commission to treat as confidential all the material and information which is included in the Company's Responses to Question No. PSC 2-1 and Question No. AG 2-6.

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