

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

In the matter of: )  
ELECTRONIC APPLICATION OF )  
COLUMBIA GAS OF KENTUCKY, INC ) Case No. 2020-00378  
TO EXTEND ITS GAS COST )  
INCENTIVE ADJUSTMENT )  
PERFORMANCE BASED RATE )  
MAKING MECHANISM )

---

---

**MOTION OF COLUMBIA GAS OF KENTUCKY, INC.  
FOR CONFIDENTIAL TREATMENT OF RESPONSE TO  
STAFF DATA REQUEST DATED MARCH 9, 2021**

---

---

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 its response to one of the Commission Staff’s data requests issued on March 9, 2021 in the above-captioned matter. Specifically, Columbia requests confidential treatment of its response to Staff’s Second Request for Information Number 7. Specifically, Columbia requests this treatment for information provided in the attachments labeled “2020-00378 Staff DR Set 2 No 7 Attachment A CONFIDENTIAL”.

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.<sup>1</sup> 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. Additionally, it reveals legal strategy and confidential negotiations with several contracting parties. Disclosure could cause substantial competitive harm to Columbia, NiSource, other parties whose identities are requested to be redacted, and Columbia’s end-use customers. Disclosure of the information which this request is the subject could impact natural gas supplier pricing behavior to the detriment of customers.

4. The information contained in the response to the aforementioned data request is not publicly available and it would be difficult or impossible for someone to discover from other sources.

---

<sup>1</sup> KRS § 61.878(1)(c)(1).

5. Columbia requests that the 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 document above demonstrates that it merits 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.<sup>2</sup>

7. In compliance with 807 KAR 5:001 section 13(2)(e), Columbia is filing one electronic copy under seal that identifies the information for which confidential protection is sought and one 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 can fully evaluate Columbia's proposed application 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).

---

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

9. **WHEREFORE**, Columbia respectfully requests that the Commission issue an order granting the confidential treatment of the above-identified attachments to Columbia's response to Staff's Second Request for Information, Number 7 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 23<sup>th</sup> day of March 2021.

Respectfully submitted,

**COLUMBIA GAS OF KENTUCKY, INC**

/s/ Joseph M. Clark

Joseph M. Clark  
Assistant General Counsel

Joseph M. Clark  
Assistant General Counsel  
290 W. Nationwide Blvd.  
Columbus, Ohio 43215  
Telephone: (614) 460-6988  
Email: josephclark@nisource.com

Attorney for  
**COLUMBIA GAS OF KENTUCKY, INC.**