

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

In the Matter of:

JOINT ELECTRONIC APPLICATION)	
OF NAVITAS KY NG, LLC, JOHNSON)	
COUNTY GAS COMPANY, AND B&H)	CASE NO. 2020-00396
GAS COMPANY FOR APPROVAL OF)	
ACQUISITION, TRANSFER OF)	
OWNERSHIP, AND CONTROL OF)	
NATURAL GAS UTILITY SYSTEMS)	

**PETITION OF NAVITAS KY NG, LLC, JOHNSON COUNTY GAS COMPANY,
AND B&H GAS COMPANY FOR CONFIDENTIAL TREATMENT**

COMES NOW Navitas KY NG, LLC ("Navitas"), Johnson County Gas Company ("JCG"), and B&H Gas System ("B&H"), by and through undersigned counsel, and hereby submits its Petition for Confidential Treatment pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting the Commission to grant confidential treatment to parties Responses to Question 8(g), Question 11(a), Question 24, and Question 25. In support of this Petition, Navitas, JCG and B&H states as follows:

Notification of Information at Issue

Response to 8(g) "Gas Supply Price"

1. The Confidential Information in the Gas Supply Price includes private financial data regarding gas supply pricing, private corporate information regarding Navitas KY on lines 1-8, and private corporate information regarding Navitas and B&H on lines 9-12.

Response to Question 11(a) "DIMP"

2. Navitas would like to file this entire document confidentially to protect the work product and to limit work product usurpation. Navitas has an agreement with its creator to not

publish their product online. Should the Commission not permit confidential treatment to the entire document, Navitas requests that in the alternative, the Commission allow Navitas to mail a hard copy for review. Navitas will provide a copy of the DIMP document on Commission determination on how to proceed.

Response to Question 24 "Analysis of B&H and JCG"

3. The Confidential Information in Analysis of B&H and JCG, the answers being made up of two separate documents, includes:

a. For the document Analysis of BH and JCG_Remaining Risk Analysis:

- Page 1, paragraph 2, lines 1-4, which contain private work product and private information regarding the potential acquisition of the systems, paragraph 3, lines 2-7, which contain private work product, paragraph 4, a small portion of line 2, which contains private information regarding the potential acquisition of the systems, paragraph 5, lines 1-4, containing private work product, paragraph 6, lines 1-4, containing private work product.

b. For the document Analysis of BH and JCG_Acquisition DD Management Summary Notes:

- Page 1, portions of lines 9-12, the entirety of section 1, section 2, section 3 and section 4, containing private work product and sensitive information regarding the inner workings of the systems.
- Page 2, the entirety of section 5 through section 9, pertaining to confidential work product, and sensitive information regarding the inner workings of the systems.

- Page 3, the entirety of section 10, which contains private work product, and sensitive information regarding B&H employees, the sensitive information discussed lines 15-38 pertaining to the information regarding B&H employees and the inner workings of the system.
- Page 4, both charts, which contain sensitive information pertaining to the system.
- Page 5, both charts, which contain sensitive information pertaining to the system.
- Page 6, both charts, which contain sensitive information pertaining to the system.
- Page 7, both charts, which contain sensitive information pertaining to the system.

Response to Question 25 "Journal Entries"

4. The Confidential Information in "Journal Entries" includes the private financial data in row 2, 3, and 6-12.

Confidential or Proprietary Commercial Information

5. The Kentucky Open Records Act exempts from disclosure certain commercial information.¹ To qualify for the exemption and maintain the confidentiality of the information, a party must establish that the material is of a kind "generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records."² The Commission has routinely relied on this section of the Kentucky Records Act to grant

¹ KRS 61.878(1)(c).

² *Id.*

confidential protection to third-party documents when disclosure would disadvantage the Company.³

6. The Confidential Information found in Response to 8(g) “Gas Supply Price”, consists of sensitive financial information, protected work product, and sensitive information regarding the innerworkings of Navitas and B&H. The information "if openly disclosed would present an unfair commercial advantage to competitors" of Navitas KY. Additionally, the personal information of B&H employees and certain financial and personal information of B&H and JCG customers are also contained within the redacted portions of Exhibit B. This personal information of employees and customers qualifies as protectable confidential information pursuant to KRS 61.878(1)(a).

7. The Confidential Information found in Response to Question 11(a) “DIMP”, consists of information related to the inner workings of Navitas KY and private work product regarding the acquisition of the systems. This information "if openly disclosed would present an unfair commercial advantage to competitors" of Navitas and it therefore qualifies as protectable confidential information pursuant to KRS 61.878(1)(c)(1).

8. The Confidential Information found in “Analysis of B&H and JCG”, consists of information related to the inner workings of Navitas KY and private work product regarding the acquisition of the systems. This information "if openly disclosed would present an unfair commercial advantage to competitors" of Navitas and it therefore qualifies as protectable confidential information pursuant to KRS 61.878(1)(c)(1).

³ See, e.g., In the Matter of Electronic Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and Assumption of Obligations and an Order Amending and Extending Existing Authority with Respect to Revolving Line of Credit, Case No. 2018-00153, Order (Ky. PSC Aug. 22, 2018)

9. The Confidential Information found in “Journal Entries”, consists of private work product regarding the acquisition of the systems and consists of sensitive financial information material to the Parties. This information "if openly disclosed would present an unfair commercial advantage to competitors" of Navitas and it therefore qualifies as protectable confidential information pursuant to KRS 61.878(1)(c)(1).

10. This Confidential Information is not publicly available. It would be difficult or impossible for someone to discover this information from other sources. The disclosure of this proprietary information would result in significant or irreparable competitive harm to Navitas Assets and NUC, by providing its competitors with non-reciprocal competitive advantage. No public purpose is served by the disclosure of such Confidential Information.

Timeframe for Confidential Treatment

11. Pursuant to 807 KAR 5:001, Section 13(2)(a)(2), Navitas requests that certain, clearly identified portions of the Exhibit B APA, EPA, and Lease Agreement and the Exhibit E Audit Reports described herein be granted confidential treatment indefinitely, subject to future orders of the Commission, due to the sensitive nature of the information at issue. Should the Commission determine that some or all of the material is not to be given confidential protection, Navitas requests a hearing prior to any public release of the information.

WHEREFORE, Navitas KY NG, LLC respectfully requests that the Commission grant confidential protection to the discrete financial information designated as confidential in this Petition, and for such other and further relief the Commission deems appropriate.

One this the 29 day of January, 2021.

Respectfully submitted,

/s/ Klint W. Alexander

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 29 day of January, 2021, a true and correct copy of the foregoing instrument was filed electronically with the Commission, and addressed to the following:

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