

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

In the Matter of:

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| 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 FOR CONFIDENTIAL TREATMENT

COMES NOW Navitas KY NG, LLC ("Navitas") 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 certain sensitive financial information provided in the Journal Entries in this filing. In support of this Petition, Navitas states as follows:

Notification of Information at Issue

1. The Confidential Information in "Journal Entries" includes the private financial data on page 1 in the 6th column, rows 2, 4-7, 10 and 11 and the 7th column, rows, 1, 3, 8-11; on page 2, in the 2nd column, rows 4-17, in the 3rd column, rows 4-17, in the 4th column, rows 4-17, in the 5th column, rows 4-17, and the 6th column, row 15; on page three, for the far right column, rows, 4, 10-12, 19-21, and the second column from the right, rows 2, 5-8, and 14-17.

Confidential or Proprietary Commercial Information

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

3. 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).

4. 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 KY NG, and its parent company, Navitas Assets, by providing its competitors with non-reciprocal competitive advantage. No public purpose is served by the disclosure of such Confidential Information.

¹ KRS 61.878(1)(c).

² *Id.*

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)

Timeframe for Confidential Treatment

5. Pursuant to 807 KAR 5:001, Section 13(2)(a)(2), Navitas requests that certain, clearly identified portions of the Journal Entries 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 28 day of May, 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 28 day of May, 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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