

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

In the Matter of:

**APPLICATION OF NAVITAS KY NG, LLC)
FOR APPROVAL OF LONG-TERM FINANCING) CASE NO. 2021-00153
PLAN FOR THE ACQUISITION OF JOHNSON)
COUNTY GAS COMPANY AND B&H GAS COMPANY)**

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 **Exhibit K** in the Application. In support of this Petition, Navitas states as follows:

Notification of Information at Issue

Exhibit K(A)

1. The Confidential Information the Applicants seek to protect in Exhibit K does not include general terms or general, non-confidential language.
2. This Confidential Information includes the following:
 - Certain financial information on page 1, as indicated by the following named columns, the two figures indicated under "Interest Rate", the two figures indicated under "Original Amount", the two figures indicated under "Beginning Balance", the two figures indicated under "Current Balance" and the two figures indicated under "YTD Interest paid";
 - Certain financial information on page 1, line 7, as indicated under the columns "Original Amount", "Beginning Balance", "Current Balance", and "YTD Interest paid";

- Certain financial information on page 1, line 14, as indicated under the columns “Original Amount”, “Beginning Balance”, “Current Balance”, and “YTD Interest paid”.

Exhibit K(B)

3. The Confidential Information the Applicants seek to protect in Exhibit K does not include general terms or general, non-confidential language.
4. This Confidential Information includes the following:
 - Certain financial information on page 1, including the figures indicated under “Interest Rate”, “Current Balance” and YTD Interest paid”.

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

6. This Confidential Information consists of sensitive financial information. This Confidential 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

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)

61.878(1)(c)(1). The information "if openly disclosed would present an unfair commercial advantage to competitors" of Navitas KY.

7. 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, LLC and other Navitas companies, 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

8. Pursuant to 807 KAR 5:001, Section 13(2)(a)(2), the Applicants request that certain identified portions of the Exhibit K(A) and Exhibit K(B), 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, the Applicants request 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.

On this the 30 day of March, 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of March, 2021, a true and correct copy of the foregoing instrument was deposited in the United States Mail with postage prepaid, and addressed to the following:

Lindsey Flora
Executive Director
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