

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of: )  
 )  
THE ELECTRONIC APPLICATION OF )  
COLUMBIA GAS OF KENTUCKY, INC. FOR AN )  
ADJUSTMENT OF RATES; APPROVAL OF )  
DEPRECIATION STUDY; APPROVAL OF TARIFF ) Case No. 2021-00183  
REVISIONS; ISSUANCE OF A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY; AND )  
OTHER RELIEF )  
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COLUMBIA GAS OF KENTUCKY, INC.'S  
MOTION FOR CONFIDENTIAL TREATMENT

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Comes now Columbia Gas of Kentucky, Inc., (“Columbia”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and for its Motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to certain information filed in Supplemental Responses to the Attorney General’s First Request for Information (“AG’s First Request”) in the above-captioned proceeding, respectfully states as follows:

1. Columbia’s Application in the above-styled proceeding was deemed filed on June 2, 2021.
2. The Attorney General issued AG’s First Request on July 7, 2021.

3. Columbia filed responses to the AG's First Request on July 21, 2021 and additional information that was not previously filed on August 1, 2021.

4. Counsel for Columbia and the AG have since discussed Columbia providing additional information to four of the AG's First Requests without the AG having to ask supplemental requests for that information.

5. Columbia agreed to provide the requested information in this proceeding.

6. The information Columbia is providing in response to the additional information requested by the AG to Response No. 143 is confidential in nature and contains information regarding information for Columbia's affiliates who are not parties to this proceeding.

7. As part of Columbia's supplemental responses to the AG's First Request, Columbia is filing responses to information requests concerning sensitive affiliate information for entities that are not parties to this proceeding. Collectively this information and these documents are hereinafter referred to as the "Confidential Information."

8. Request No. 143 from the AG's First Request states as follows:

Refer to Article 3.1 of Attachment ST-2. Provide the direct charge salaries charged to each NiSource affiliate, including Columbia Kentucky by month for the period January 2018-May 2021.

9. In the original response to Request No. 143, Columbia provided the information requested for Columbia only and objected to providing the information for

NiSource affiliates. After the responses were filed, counsel for Columbia and the AG discussed this response and Columbia agreed to provide additional information to the AG pursuant to a Motion for Confidential Treatment and without waiving Columbia's objection regarding affiliate information in this and additional responses. Accordingly, Columbia is providing KY PSC Case No. 2021-00183, AG 1-143, Supplemental Attachment A which contains sensitive information regarding information for affiliates of NiSource. These entities are neither parties to this proceeding nor are they subject to the Commission's jurisdiction and, therefore, the sensitive information regarding the amounts these entities pay for services should be confidential in this proceeding.

10. The information included in the response listed above is, to the extent possible, being tendered in redacted form in the public version of Columbia's filing and in an unredacted form filed under seal herewith.

11. The Confidential Information contains sensitive information that describes the proprietary information regarding NiSource affiliates. These entities are not parties to this proceeding and have the right to expect information regarding their inner business workings would not be made public in a proceeding they are not parties to.

12. The Kentucky Open Records Act exempts the Confidential Information from public disclosure. *See* KRS 61.878(1). Moreover, the Kentucky Supreme Court has stated, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization*

*Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The Confidential Information is commercially sensitive and proprietary and constitutes a “trade secret” under KRS 365.880(4). Furthermore, the Confidential Information is retained by Columbia on a “need-to-know” basis and is not publicly available. Because the Confidential Information is critical to Columbia’s effective execution of business decisions and strategy, particularly in regard to its human resources management responsibilities and NiSource affiliates, it satisfies both the statutory and common law standards for being afforded confidential treatment.

13. Columbia does not object to limited disclosure of the Confidential Information, pursuant to an acceptable confidentiality and nondisclosure agreement, to the Attorney General or any other intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

14. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Columbia is filing one copy of the Confidential Information separately under seal. The filing of the Confidential Information is noted in the public version of Columbia’s responses, which include redacted copies of such information.

15. In accordance with the provisions of 807 KAR 5:001, Section 13(3), Columbia respectfully requests that the Confidential Information in the response be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will be less likely to include information that continues to be commercially sensitive so as to impair the interests of

Columbia if publicly disclosed. Columbia reserves the right to seek an extension of the grant of confidential treatment if it is necessary to do so in the future.

WHEREFORE, on the basis of the foregoing, Columbia respectfully requests the Commission to enter an Order granting this Motion for Confidential Treatment and to so afford such protection from public disclosure to the unredacted copies of Confidential Information, which is filed herewith under seal, for the periods set forth herein.

This 11th day of August, 2021.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that the electronic filing has been transmitted to the Commission on August 11, 2021 and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be filed.



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*Counsel for Columbia Gas of Kentucky, Inc.*