

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA)	
NATURAL GAS COMPANY, INC. FOR AN)	
ADJUSTMENT OF ITS RATES AND A)	
CERTIFICATE OF PUBLIC)	CASE NO. 2021-00185
CONVENIENCE AND NECESSITY)	

PETITION OF DELTA NATURAL GAS COMPANY, INC.
FOR CONFIDENTIAL PROTECTION

Delta Natural Gas Company, Inc. (“Delta” or the “Company”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1) to grant confidential protection for certain information in Delta’s responses to Commission Staff’s Post-Hearing Request for Information.

Confidential or Proprietary Commercial Information (KRS 61.878(1)(c)(1))

1. The Kentucky Open Records Act exempts from disclosure information “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.”¹

2. Delta’s response to Question No. 2 contains detailed cost estimate information, including components of contractor bids and the amount Delta anticipates spending on right of way acquisition, for the Nicholasville project. The public disclosure of the detailed cost estimates may disadvantage Delta or its bidders. Disclosure of Delta’s anticipated spend on right of way acquisition could disadvantage Delta in negotiations with landowners. Disclosure of the detailed cost estimates derived from the winning bid may disadvantage Delta’s bidders and may injure

¹ KRS 61.878(1)(c)(1).

Delta's ability to receive future bids at advantageous prices. Delta is requesting confidential treatment for the confidential numbers contained in response to Question No. 2.

3. As an attachment to Delta's response to Question No. 16, Delta is providing farm tap drawings applicable to Delta's system. These are internal drawings that Delta prepared at its own expense that utilize Delta's expertise. Providing these drawings publicly could disadvantage Delta.

The Confidential Information Subject to this Petition

4. The information for which Delta is seeking confidential treatment pursuant to KRS 61.878 is not known outside of the utility, is not disseminated within Delta except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information within the utility industry.

5. Delta will disclose the confidential information (pursuant to a confidentiality agreement) to intervenors and others with a legitimate interest in this information and as required by the Commission.

6. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect Delta's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter.²

7. In compliance with 807 KAR 5:001, Section 13(2)(e), Delta is filing with the Commission one copy that identifies the information for which confidential protection is sought and one copy with the same information obscured.

8. Delta respectfully requests the Commission grant confidential protection for the information described herein for at least five years.

² *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

WHEREFORE, Delta Natural Gas Company, Inc. respectfully requests the Kentucky Public Service Commission grant confidential protection for the information described herein.

Dated: December 3, 2021

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on December 3, 2021; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.


