

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

**ELECTRONIC PURCHASED GAS ADJUSTMENT FILING )      CASE NO.**  
**OF NAVITAS KY NG, LLC )      2021-00278**

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**NAVITAS KY NG, LLC'S  
MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Navitas KY NG, LLC (“Navitas”), 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 response to Commission Staff’s Request for Information issued on July 30, 2021 (“Staff’s First Request”) in the above-captioned proceeding, respectfully states as follows:

1. Navitas is providing information regarding pricing in one of its gas purchase agreements. This information is hereinafter referred to as the “Confidential Information.”
2. Request No. 3 from the Staff’s First Request states as follows:  
Refer to the Commission’s final Order in Case No. 2020-00396, finding paragraph 17.
  - a. Provide all of the finalized and executed gas purchase contracts for the unified system.
3. In the response to Request No. 3, Navitas is providing the executed contract between Navitas and Hall, Stephens & Hall. This contract provides sensitive pricing information which could put Navitas at a competitive disadvantage if and when Navitas negotiates gas purchase contracts with any other entities.

4. The information included in the response listed above is, being tendered in redacted form in the public version of Navitas' filing and in an unredacted form filed under seal herewith.

5. Contract pricing is sensitive and can give Navitas' suppliers a competitive advantage by knowing the price that Navitas pays for natural gas from another supplier. This could be to the detriment of Navitas and its customers and can reveal the inner workings and negotiating process of Navitas.

6. 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). Because the Confidential Information is critical to Navitas' ability to effectively negotiate natural gas pricing contracts and strategy, it satisfies both the statutory and common law standards for being afforded confidential treatment.

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

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

9. In accordance with the provisions of 807 KAR 5:001, Section 13(3), Navitas respectfully requests that the Confidential Information in the responses 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 Navitas if publicly disclosed. Navitas 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, Navitas 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 6<sup>th</sup> 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 6, 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 made.



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*Counsel for Navitas KY NG LLC*