

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

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF DELTA</b>	<b>)</b>	
<b>NATURAL GAS COMPANY, INC. FOR ITS</b>	<b>)</b>	<b>CASE NO. 2022-00341</b>
<b>PIPE REPLACEMENT FILING</b>	<b>)</b>	

**DELTA NATURAL GAS COMPANY, INC.'S**  
**PETITION 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 a portion of the responses to Question Nos. 7 and 8 of the Commission Staff’s First 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.”<sup>1</sup> Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. The responses to Question Nos. 7 and 8 contain detailed bid and contract information, including the bid information sent to and received from potential contractors. Delta requests that a portion of the narrative responses to Question Nos. 7 and 8 be treated as confidential and the attachments to Question Nos. 7 and 8 be treated as confidential in their entirety.

3. The public disclosure of the detailed bid and contract information may disadvantage Delta or its bidders. Confidential protection of the bid information sent to and received from

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<sup>1</sup> KRS 61.878(1)(c)(1).

potential contractors is necessary because disclosure would disrupt the competitive bid process. Public disclosure would place Delta at a considerable disadvantage when negotiating future contracts and may injure Delta's ability to receive future bids at advantageous prices. Furthermore, public disclosure would provide insight into Delta's evaluation of bids to the detriment of Delta and its customers. The public disclosure of this information would create precisely the kind of competitive harm KRS 61.878(1)(c)(1) intends to prevent.

#### **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 or its individual potential contractors, 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 to those with a legitimate interest in this information and as required by the Commission. There are no intervenors in this case.

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.<sup>2</sup>

7. In compliance with 807 KAR 5:001, Section 13(2)(e), Delta is filing with the Commission one copy of the responses that identifies the information for which confidential protection is sought and one copy with the same information obscured. Pursuant to 807 KAR 5:001, Section 13(2)(a)(3)(b), confidential treatment is sought for the entirety of the attachments to Question Nos. 7 and 8. For these documents, written notification that the entire document is

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

confidential has been submitted with the document in lieu of highlighting in accordance with 807 KAR 5:001, Section 13(2)(b).

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

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

Dated: January 19, 2023

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 January 19, 2023; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

*Marcia H. Braun*

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