

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Application Of Atmos Energy Corporation            )  
To Establish PRP Rider Rates for the                ) Case No. 2023-00231  
Twelve Month Period Beginning                    )  
October 1, 2023   )

**PETITION FOR CONFIDENTIALITY**

Atmos Energy Corporation (Atmos) petitions the Commission ("Commission"), pursuant to 807 KAR 5:001, Section 13, and all other applicable law, for confidential treatment of certain information submitted to the Commission as part of its Application in this proceeding. The information submitted consists of maps of the Atmos gas distribution system and personal identifying and contact information for a former Atmos employee as well as Company information including its EIN.

KRS Chapter 61 requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from public disclosure of the information relevant to this petition are provided in KRS 61.878(1)(m). Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information disclosed to it to the extent that open disclosure would "have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to: . . . ,

(f) infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical

systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communications, electrical, fire suppression, ventilation, water, wastewater, sewage, and **gas systems** and;

(g) The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, **maps**, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency.”

This Commission has recognized that maps "are infrastructure records that disclose the location, configuration, or security of public utility systems" and therefore, should be treated as confidential. See Case No. 2014-00166 *In the Matter of 2104 Integrated Resource Plan of Big Rivers Electric Corporation*, KY PSC Order, p. 7 (August 26, 2014).<sup>1</sup>

In addition to the maps provided in Atmos' Application, Atmos is also including at Exhibit JJM-1, the PLR the Company received from the Internal Revenue Service ("IRS"). The PLR contained contact information for Atmos's employee that requested the PLR from the IRS. This is personal identifying information that would violate this employee's privacy if disclosed to the public. This personal information is protected under KRS 61.878(1)(a). The information also includes the Employer Identification Number of Atmos and other company information.

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<sup>1</sup> See also, Case No. 2017-00119, *In the Matter of: Louisville Gas & Electric Company Alleged Failure to Comply with KRS 278.495, 807 KAR 5:022, and 49 C.F.R. Part 192*, Order, (Ky. P.S.C., Dec. 28, 2017); Case No. 2021-00190, *In the Matter of: Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Natural Gas Rates; 2) Approval of New Tariffs; and 3) All Other Required Approval, Waivers and Relief*, Order, (Ky. P.S.C. Apr. 14, 2022).

The information contained in the specified documents may provide detailed information about Atmos's distribution system and the location of critical components; as such, the disclosure of which could threaten the public safety generally and provide sensitive information relevant to the security against terroristic events. Atmos petitions the Commission to classify as confidential and protect from public disclosure the maps provided in Exhibits TRA-1 through TRA-4 as part of Atmos witness Ryan Austin's direct testimony. Furthermore, the information also contains personal information that would be a clear invasion of personal privacy if released to the public. Atmos petitions the Commission to also classify the portions of JJM-1 identified in the confidential filing as confidential and protect the information from public disclosure.

The information for which the Company is seeking confidential treatment is not known outside of the Company, is not disseminated within the Company 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 in the energy industry. If the Commission disagrees with this request for confidential protection, Atmos requests that it hold an evidentiary hearing (a) to protect the Company'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. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

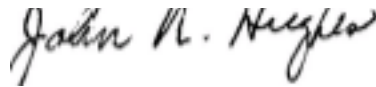
Atmos is requesting confidential protection for the entirety of the maps being filed with its Application. Therefore, Atmos is not filing a redacted version of the information in the public filing. In addition, the copy of the maps being filed under seal with the Commission does not contain any highlighted information. The version of JJM-1 that is

being filed under seal has the information highlighted for which confidential treatment is being requested.

Atmos requests that the information referenced herein be kept confidential for an indefinite period.

For these reasons, Atmos petitions the Commission to treat as confidential, indefinitely, the information referenced in this petition in its entirety.

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