

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO)	
VALLEY GAS, INC. FOR AN ALLEGED)	CASE NO. 2023-00331
FAILURE TO COMPLY WITH)	
COMMISSION ORDERS AND KRS 278.160)	

PETITION FOR CONFIDENTIAL PROTECTION

Pursuant to 807 KAR 5:001, Section 13, Valley Gas, Inc. (“Valley Gas”) petitions the Public Service Commission of Kentucky (“Commission”) to grant confidential protection for certain information that Valley Gas is providing in response to Commission Staff’s Second Request for Information, Item 1. In support of its Petition, Valley Gas states the following:

Confidential Information – KRS 61.878(1)

1. The Kentucky Open Records Act exempts from disclosure certain private and personal information.¹ In addition, the Kentucky Open Records Act exempts from disclosure certain records which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.² Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Commission Staff’s Second Request for Information, Item 1, requests all invoices and supporting documentation regarding monthly usage reports for Valley Gas’s only industrial customer (Mago Construction Company or “Mago”) for a six-year period. Valley Gas is providing the responsive documents in Attachment 1A, Attachment 1B, and Attachment 1C. Portions of Attachments 1A and 1B contain confidential customer-identifying information regarding Mago’s

¹ KRS 61.878(1)(a).

² KRS 61.878(1)(c)(1).

natural gas usage that is personal to Mago and does not belong in the public domain. Placing this information in the public domain would clearly constitute an unwarranted invasion of Mago's privacy, in contravention of KRS 61.878(1)(a).

3. In addition, public disclosure could place Mago at a disadvantage in negotiating future contracts and provide an unfair commercial advantage to Mago's competitors in future negotiations, in contravention of KRS 61.878(1)(c)(1). Further, the release of this information by the Commission could harm the relationship between Valley Gas and Mago and others that obtain service from Valley Gas. If such information is disclosed, Mago and others may be less willing to negotiate contracts with Valley Gas in the future.

4. Accordingly, Valley Gas requests confidential protection for the purchase volume figures and the total billed amounts that are included within Attachment 1A and Attachment 1B in response to Commission Staff's Second Request for Information, Item 1.

5. The Commission has previously granted confidential protection to similar customer-identifying information, including usage information.³

Confidential Information Subject to this Petition

6. The information for which Valley Gas is seeking confidential treatment is not known outside of Valley Gas, its consultants with a need to know the information, and Valley Gas's counsel, is not disseminated within Valley Gas 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.

³ *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, Case No. 2012-000221, Order at 1-2 (Ky. PSC July 25, 2013) (granting indefinite confidential protection to customer names, account numbers, and usage information); *Electronic Application of Big Rivers Electric Corporation for a Certificate of Public Convenience and Necessity to Construct a 161 kV Transmission Line in Henderson County, Kentucky*, Case No. 2022-00012, Order at 3 (Ky. PSC June 3, 2022) (granting indefinite confidential protection to projected energy usage information, including costs).

7. Valley Gas will disclose the confidential information, pursuant to a confidentiality agreement, to any intervenors with a legitimate interest in this information and as required by the Commission. No person has requested intervention in this case at this time.

8. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect Valley Gas's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision regarding this matter.⁴

9. Pursuant to 807 KAR 5:001, Section 13(2)(b), Valley Gas is filing with the Commission one electronic copy that identifies with redactions the information for which confidential protection is sought. In accordance with the Commission's March 24, 2020 and July 22, 2021 Orders in Case No. 2020-00085, Valley Gas will provide an unredacted copy noting the confidential information with highlighting to the Commission.

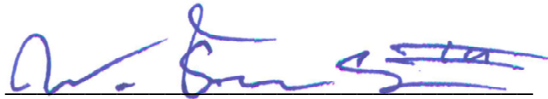
10. Valley Gas requests that confidential protection be granted indefinitely due to the personally sensitive nature of the information at issue.

WHEREFORE, Valley Gas respectfully requests that the Commission grant confidential protection for the information described herein.

⁴ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

Dated: January 18, 2024

Respectfully submitted,



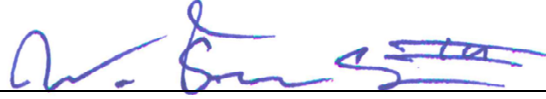
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CERTIFICATE OF COMPLIANCE

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 18, 2024; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



Counsel for Valley Gas, Inc.