

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA)	
NATURAL GAS COMPANY, INC. FOR)	
APPROVAL OF LOGO DISCLAIMER AND)	CASE NO. 2024-00057
NOTICE OF NONREGULATED ACTIVITY)	

PETITION FOR CONFIDENTIAL PROTECTION

Delta Natural Gas Company, Inc. (“Delta”) petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13 to grant confidential protection for certain information that Delta is providing in Exhibit 1 to Delta’s Notice of Establishment of Nonregulated Activity and Application for Approval of Disclaimer Language (“Notice and Application”). In support of its Petition, Delta states as follows:

Confidential Commercial Information — KRS 61.878(1)(c)(1)

1. 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.¹ Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Exhibit 1 to Delta’s Notice and Application contains a proprietary analysis of potential annual revenues associated with the agreement between Delta and HomeServe USA Repair Management Corp. (“HomeServe”). This analysis is based on over twenty years of data obtained from Delta’s parent company, Essential Utilities, Inc. (“Essential”), regarding customer

¹ KRS 61.878(1)(c)(1).

counts and revenues in other states where Essential has entered into separate agreements with HomeServe.²

3. Public disclosure of the information in Exhibit 1 would create unfair commercial advantages for competitors of both Essential and HomeServe. Competitors of Essential would gain unfair insight into the level of customer participation and the revenues associated with Essential's agreements with HomeServe. Competitors of HomeServe would gain unfair insight into the contractual compensation structure between Essential and HomeServe. If competitors have free access to the same information that Essential has expended substantial resources to develop over its twenty-year relationship with HomeServe, competitors will derive an unfair commercial advantage.

4. Because of the proprietary nature of the information at issue, Delta requests confidential protection for the entirety of Exhibit 1 to its Notice and Application. The Commission has previously granted confidential protection for similar information.³

Confidential Information Subject to this Petition

5. With the exception of information provided between Delta or Essential and HomeServe pursuant to contractual agreements, the information for which Delta is seeking confidential treatment is not known outside of Delta, its parent companies, their consultants with a need to know the information, and Delta's counsel, 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 in the energy industry.

² Essential has operating subsidiaries that provide water through its Aqua entities, and gas through its Peoples entity.

³ See, e.g., *Notice of Kentucky Power Company Pursuant to 807 KAR 5:080 for Establishment of a New Nonregulated Activity*, Case No. 2014-00420, Order at 1-2 (Ky. PSC Apr. 29, 2015).

6. Delta will disclose the confidential information, pursuant to a confidentiality agreement, to 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.

7. If the Commission disagrees with this request for confidential protection, 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.⁴

8. Pursuant to 807 KAR 5:001, Section 13(2)(b), Delta is providing written notification that Exhibit 1 is confidential in its entirety. Delta requests that confidential protection be granted for five years due to the sensitive nature of the information at issue.

WHEREFORE, Delta Natural Gas Company, Inc. respectfully requests that the Commission issue an order granting protection from public disclosure for the confidential information specifically described in this Petition.

Dated: March 7, 2024

Respectfully submitted,



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

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 March 7, 2024; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



Counsel for Delta Natural Gas Company, Inc.

4858-6652-1257.2