

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

THE ELECTRONIC APPLICATION OF)	
COLUMBIA GAS OF KENTUCKY, INC.)	CASE NO.
FOR AN ADJUSTMENT OF RATES;)	2024-00092
APPROVAL OF DEPRECIATION STUDY;)	
APPROVAL OF TARIFF REVISIONS; AND)	
OTHER RELIEF)	

**COLUMBIA GAS OF KENTUCKY, INC.'S
MOTION FOR CONFIDENTIAL TREATMENT**

Comes now Columbia Gas of Kentucky, Inc., (“Columbia”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and requests that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to certain information filed in its Responses to Commission Staff’s Third Request for Information (“Staff’s Third Request”) and the Attorney General’s Second Request for Information (“AG’s Second Request”). In support of the motion Columbia respectfully states as follows:

1. On July 24, 2024, Commission Staff issued its Third Request for Information to Columbia and the Attorney General issued its Second Request for Information to Columbia in the above styled proceeding.

2. As part of Columbia's responses to Staff's Third Request and AG's Second Request, Columbia is filing responses to information requests concerning sensitive business information and critical infrastructure information. Collectively this information and these documents are hereinafter referred to as the "Confidential Information".

3. Specifically, the Confidential Information is being provided in response to Staff's Third Request Nos. 1 and 26, and AG's Second Request Nos. 27, 39, 42, 43, 60, and 61.

4. KRS 61.878(1)(c)(1) allows confidential protection of information that is generally recognized as confidential or proprietary, which if disclosed would permit an unfair commercial advantage to competitors. KRS 61.878(1)(m) allows confidential protection of information that if disclosed could threaten public safety by disclosing critical infrastructure. The Kentucky courts have upheld these protections for information provided, *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky. App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995).

5. Staff's Third Request Item 1 required Columbia to provide its 2024 Distribution Integrity Management Program ("DIMP"). In response Columbia provided Attachments A, B, and C that contain different portions of the 2024 DIMP. Columbia is requesting confidential treatment of Attachment A, B, and C pursuant to KRS

61.878(1)(c)(1) because disclosure of the information would place Columbia at a commercial disadvantage if competitors had access to the DIMP because it identifies gas distribution pipeline integrity risks. Columbia also provided this information in the response to the Attorney General's First Request for Information, Item 34 and requested confidential treatment at that time.¹

6. The response to Staff's Third Request, Item 26 required Columbia to provide information about a pipeline location, a customer's monthly transportation volume, and the customer's forecasted transportation volume. Columbia is requesting confidential treatment of the response to Staff's Third Request, Item 26(a) pursuant to KRS 61.878(1)(m) because the information contains the locations of key utility infrastructure. This information has been granted confidential treatment in the past.² Columbia is requesting confidential treatment of the attachment provided in response to Item 26(b) and Item 26(c) pursuant to KRS 61.878(1)(c)(1). These attachments provide information about a client's actual and forecasted usage. This information is generally

¹ Columbia's Motion for Confidential Treatment (filed July 10, 2024).

² Case No. 2019-00257, *Electronic Application of Columbia Gas of Kentucky, Inc. for: 1) a Declaration that Construction of a Low Pressure System Safety Improvement is an Extension of its System in the Ordinary Course of Business; 2) in the Alternative, for the Issuance of a Certificate of Public Convenience and Necessity for Such Construction; 3) Approval of an Amendment and Expansion of its Accelerated Main Replacement Tariff to its Safety Modification and Replacement Tariff; and 4) Approval to Modify the 2019 AMRP Construction Plan*, March 5, 2020 Order (Ky PSC March 5, 2020).

recognized as confidential and proprietary and if disclosed could provide a commercial advantage to competitors.

7. The AG's Second Request, Item 27 required Columbia to provide the invoices, quotes, bids, and contracts related to the Work Assessment Management ("WAM"). Columbia provided Attachments A, B, and C to Response 27 that included these quotes and bids. Columbia is requesting confidential treatment for these Attachments pursuant to KRS 61.878(1)(c)(1) because if these initial stage quotes and bids are disclosed competitors could have an unfair advantage negotiating contracts for the WAM program.

8. The AG's Second Request, Item 39 required Columbia to provide its 2022 Capital Accounting, 2023 Technology Capital Accounting, and 2024 Executive and BOD Travel and Entertainment Expense Review. Columbia provided these documents in Attachments A, B, and C to Response 39. Columbia is requesting confidential these Attachments pursuant to KRS 61.878(1)(c)(1) because the documents contain commercially sensitive information that is generally recognized as confidential and propriety. If disclosed Columbia's internal business strategy would be disclosed and its competitors could receive an unfair commercial advantage.

9. The AG's Second Request, Item 42 required Columbia to provide details related to a settlement in a legal matter. Columbia is requesting confidential treatment because the information is pertaining to a settlement agreement that the court in question

has deemed confidential and therefore is exempt from disclosure pursuant to KRS 61.878(1)(k).

10. The AG's Second Request, Item 43 refers to Columbia's DIMP and required Columbia to provide the Appendices to the DIMP. Columbia is requesting confidential treatment for this response pursuant to KRS 61.871(1)(c)(1) because Columbia's competitors could have an unfair commercial advantage if the DIMP, its Addendum, and the Appendices were disclosed.

11. The AG's Second Request, Items 60 and 61 request budget approval documentation for certain projects. These budget approval documents contain maps and detailed designs for the projects that constitute critical infrastructure information and should not be shared publicly. In the hands of nefarious actors, this information could be harmful to Columbia's gas distribution system and public safety.

12. Columbia 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. However, as it is unknown who may or may not eventually intervene in the case, Columbia reserves the right to object to sharing the Confidential Information with any party that may have a mixed-motive for accessing the Confidential Information, that may be a competitor of Columbia in any market, who may have a commercial conflict of interest or for any other reason.

13. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Columbia is providing one copy of the Confidential Information separately under seal. The filing of the Confidential Information is noted in the public version of Columbia's responses, which include, to the extent practical, redacted copies of such information. In certain instances, the Confidential Information includes the entirety of an attachment. Unfortunately, in those circumstances, Columbia is unable to provide a public version of these documents. In addition, the documents filed under seal, that the Company is requesting confidential treatment for the entirety of the documents, do not contain any highlights.

14. In accordance with the provisions of 807 KAR 5:001, Section 13(3), Columbia respectfully requests that the documents be withheld from public disclosure for an indefinite period.

WHEREFORE, on the basis of the foregoing, Columbia 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 the 7th day of August, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission for filing on August 7, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; by virtue of the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of this filing will be made.

Heather S. Temple

Counsel for Columbia Gas of Kentucky, Inc.