

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 Second Request for Information (“Staff’s Second Request”) and the Attorney General’s First Request for Information (“AG’s First Request”). In support of the motion Columbia respectfully states as follows:

1. On June 21, 2024, Commission Staff issued its Second Request for Information to Columbia and the Attorney General issued its First Request for Information to Columbia in the above styled proceeding.

2. As part of Columbia's responses to Staff's Second Request and AG's First Request, Columbia is filing responses to information requests concerning sensitive vendor information, customer information, investment and credit reporting information, employee benefit and wage studies providing detailed compensation information, copyrighted materials along with other confidential, proprietary and sensitive information regarding the inner workings and business decision making strategies of Columbia. 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 Second Request Nos. 3, 11, 12, 14, 15, 20, and 21 and AG's First Request Nos. 4, 10, 34, 48, 64 90, 111, 119, 125, 184, 185, and 195.

4. KRS 61.878(1)(a) allows the confidential protection of information that is personal in nature and where disclosure would constitute a clearly unwarranted invasion of personal privacy. 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)(k) treatment for information that disclosure of which is prohibited by federal law or regulation, or state law. 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. The response to Staff's Second Request Item 3, Attachment B required Columbia to provide the location of low-pressure segments of Columbia's gas system. Columbia is requesting confidential treatment 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.¹

6. The response to Staff's Second Request Item 11, Attachment A required Columbia to provide the Value Line Investment Survey ("Value Line") referenced in the Rea Direct Testimony. Columbia is requesting confidential protection for this response because it is generally recognized as confidential and the reports in Attachment A to Response Item 11 are subject to copyrights held by third parties, were obtained through paid subscriptions, and disclosure of this information would violate copyright protections and therefore meets the standards of KRS 61.878(1)(c)(1) and KRS

¹ 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).

61.878(1)(k). The Commission has granted confidential treatment for Value Line studies in the past.²

7. The Response to Staff's Second Request Item 12, Attachment A required Columbia to provide the credit rating reports for Columbia and NiSource from S&P and Moody's for 2023 through the present. Columbia is requesting confidential treatment for these documents because the information is paid through a subscription and is proprietary. Columbia is requesting confidential treatment pursuant to KRS 61.878(1)(c)(1) because disclosure of the information would place Columbia at a commercial disadvantage and violate contractual obligations. The Commission has granted confidential treatment for Moody's and S&P in other cases.³

8. The Response to Staff's Second Request, Item 14, Attachment C required Columbia to provide information used to support the information in the Rea Direct Testimony regarding rate on equity. This information is also reports from S&P and contains commercially sensitive information and is subject to contractual agreements not

² Case No. 2021-00183, *Electronic Application of Columbia Gas of Kentucky, Inc. For an Adjustment of Rates; Approval of Depreciation Study; Approval of Tariff Revisions; Issuance of a Certificate of Public Convenience and Necessity; and Other Relief*, October 4, 2021 Order at 8 (Ky. PSC October 4, 2021).

³ Case No. 2022-00372, *Electronic Application of Duke Energy Kentucky, Inc. for (1) an Adjustment of Electric Rates; (2) Approval of New Tariffs; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and Other Required Approvals and Relief*, October 30, 2023 Order at 10; Case No. 2021-00190, *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 Approvals, Waivers, and Relief* April 14, 2022 Order; and Case No. 2021-00481, *Electronic Joint Application of American Electric Power Company, Inc., Kentucky Power Company., and Liberty Utilities Company for Approval of the Transfer of Ownership & Control of Kentucky Power Co* March 29, 2022 Order (Ky. PSC Mar. 29, 2022).

to disclose the information. Columbia requests confidential treatment pursuant to KRS 61.878(1)(c)(1).

9. The Response to Staff's Second Request Item 15, Attachment A required Columbia to provide Value Line profiles referenced in the Rea Direct Testimony. Columbia is requesting confidential protection for this response because it is generally recognized as confidential and the profiles in Attachment A to Response Item 15 are subject to copyrights held by third parties, were obtained through paid subscriptions, and disclosure of this information would violate copyright protections and therefore meets the standards of KRS 61.878(1)(c)(1) and KRS 61.878(1)(k). The Commission has granted confidential treatment for Value Line studies in the past.⁴

10. The Response to Staff's Second Request Item 20, Attachment A required Columbia to provide support for calculations and positions taken in the Rea Direct Testimony. Columbia is requesting confidential protection for this response because it is generally recognized as confidential and the Blue Chip Financial Forecasts provided in Attachment A to Response Item 20 are subject to copyrights held by third parties, were obtained through paid subscriptions, and disclosure of this information would violate

⁴ Case No. 2021-00183, *Electronic Application of Columbia Gas of Kentucky, Inc. For an Adjustment of Rates; Approval of Depreciation Study; Approval of Tariff Revisions; Issuance of a Certificate of Public Convenience and Necessity; and Other Relief*, October 4, 2021 Order at 8 (Ky. PSC October 4, 2021).

copyright protections and therefore meets the standards of KRS 61.878(1)(c)(1) and KRS 61.878(1)(k).

11. The Response to Staff's Second Request Item 21, Attachment A required Columbia to provide Value Line Indices in support of a position taken in the Rea Direct Testimony. Columbia is requesting confidential protection for this response because it is generally recognized as confidential and the profiles in Attachment A to Response Item 21 are subject to copyrights held by third parties, were obtained through paid subscriptions, and disclosure of this information would violate copyright protections and therefore meets the standards of KRS 61.878(1)(c)(1) and KRS 61.878(1)(k). The Commission has granted confidential treatment for Value Line studies in the past.⁵

12. The Response to the AG's First Request Item 4, Attachments A, B-2021, B-2022, B-2023, and B-2024 are being provided, which list compensation information for all employees for both Columbia and its shared services affiliate, NiSource Corporate Services Company ("NCSC"). Columbia is requesting confidential treatment of this employee compensation pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(a) because if disclosed the compensation information would be an unwarranted

⁵ Case No. 2021-00183, *Electronic Application of Columbia Gas of Kentucky, Inc. For an Adjustment of Rates; Approval of Depreciation Study; Approval of Tariff Revisions; Issuance of a Certificate of Public Convenience and Necessity; and Other Relief*, October 4, 2021 Order at 8 (Ky. PSC October 4, 2021).

invasion of personal privacy and would reveal information that Columbia does not publicly share because it could provide a commercial advantage to competitors.

13. The Response to the AG's First Request Item 10, Attachment A, is being provided to list information about vacancies. This Attachment contains budgeted compensation information for vacant positions. Columbia is requesting confidential treatment of this employee compensation pursuant to KRS 61.878(1)(c)(1) because if disclosed the compensation information would reveal information that Columbia does not publicly share because it could provide a commercial advantage to competitors.

14. The Response to the AG's First Request Item 34, Attachments A and B required Columbia to provide the Distribution Integrity Management Program ("DIMP"). The DIMP and the Addendum are commercially sensitive documents that Columbia does not provide except on a need-to-know basis only. 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 and Addendum were disclosed.

15. The Response to the AG's First Request, Item 48b required Columbia to provide the benefit studies created by Aon. Columbia is requesting confidential treatment because the study pursuant to KRS 61.878(1)(c)(1) because the information is confidential and propriety and is subject to contractual agreements not to disclose the information.

16. The Response to the AG's First Request Item 64, Attachment B is being provided in response to a request for the Company's corporate aviation flight logs. Columbia is requesting confidential treatment of this employee compensation pursuant to KRS 61.878(1)(c)(1), KRS 61.878(1)(m)(1) and KRS 61.878(1)(a). If disclosed, information contained therein would be an unwarranted invasion of personal privacy of travelers and would reveal information that Columbia does not publicly share. Further, the sharing of these records could compromise the safety of Company personnel. In the hands of individuals seeking to do harm to Company personnel, these records, coupled with other information, could be used to track and predict the movements of Company personnel. Finally, these records are not publicly available elsewhere and Columbia and its affiliates take painstaking efforts to protect against public disclosure.

17. The Response to the AG's First Request, Item 90 Attachment A required Columbia to provide certain incentive compensation. Columbia is requesting confidential protection for short-term incentive compensation pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(k) because the information contains information that must be filed with the Securities and Exchange Commission ("SEC"). Columbia is only requesting confidential information until the information is publicly available from the SEC. The Commission has found this information confidential in the past.⁶

⁶ Case No. 2021-00183, November 4, 2021 Order.

18. Response to the AG's First Request Item 111, Attachment A provides compensation information for a single employee of NCSC. Columbia is requesting confidential treatment of this employee compensation pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(a) because if disclosed the compensation information would be an unwarranted invasion of personal privacy and would reveal information that Columbia does not publicly share because it could provide a commercial advantage to competitors.

19. The Response to the AG's First Request, Item 119 required Columbia to provide the OPEB expense for the years 2019 through 2023. Columbia is requesting confidential protection pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(a) because the information relates to Columbia's affiliates and if disclosed it would provide an unfair commercial advantage to competitors and would be an unwarranted invasion of personal privacy for individuals that are not in this proceeding and whose compensation is not relevant to this case.

20. The Response to the AG's First Request Item 125, Attachment A provides information about open positions. This Attachment contains budgeted compensation information for these vacancies. Columbia is requesting confidential treatment of this employee compensation pursuant to KRS 61.878(1)(c)(1) because if disclosed the compensation information would reveal information that Columbia does not publicly share because it could provide a commercial advantage to competitors

21. The Response to the AG's First Request, Item 184 Attachment A required Columbia to provide the Value Line Investment Survey ("Value Line") referenced in the Rea Direct Testimony. Columbia is requesting confidential protection for this response because it is generally recognized as confidential and the reports in Attachment A to Response 184 are subject to copyrights held by third parties and disclosure of this information would violate copyright protections and therefore meets the standards of KRS 61.878(1)(c)(1) and KRS 61.878(1)(k).

22. The Response to the AG's First Request, Item 185 Attachments H and N contain the articles, publications, and documents referenced in the Rea Direct Testimony. Columbia is requesting confidential protection pursuant to KRS 61.878(1)(k) because the information contained in Attachments H and N are subject to copyright protections and disclosure of these documents would constitute a violation of federal law. The Commission has granted confidential protection for this information in the past.⁷

23. The Response to the AG's First Request, Item 195 Attachment A required Columbia to provide the *RAA Regulatory Focus* articles referenced in the Rea Direct Testimony. Columbia is requesting confidential treatment of this information pursuant to KRS 61.878(1)(c)(1) because the *RAA Regulatory Focus* is part of the S&P subscription. The S&P subscription contains contractual obligations not to disclose the information.

⁷ Case No. 2021-00183, October 4, 2021 Order.

24. 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.

25. 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.

26. 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, unless otherwise specified.

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 11th day of July, 2024.

Respectfully submitted,

Heather S. Temple

L. Allyson Honaker
Brittany Hayes Koenig
Heather S. Temple
Honaker Law Office, PLLC
1795 Alysheba Way, Suite 1203
Lexington, KY 40509
Telephone (859) 368-8803
allyson@hloky.com
brittany@hloky.com
heather@hloky.com

And

John R. Ryan
Senior Counsel
290 W. Nationwide Blvd.
Columbus, Ohio 43216-0117
Telephone: (614) 285-2220
johnryan@nisource.com

Attorneys for Applicant
COLUMBIA GAS OF KENTUCKY, INC.

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission for filing on July 11, 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.