

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 Post-Hearing Request for Information (“Staff’s Post-Hearing Request”). In support of the motion Columbia respectfully states as follows:

1. On October 24, 2024, Commission Staff issued its Post-Hearing Request to Columbia in the above styled proceeding.
2. As part of Columbia’s responses to Staff’s Post-Hearing Requests, Columbia is providing sensitive real estate agreements (No. 5), a comparative chart of wages for certain employees (No. 8), and sensitive information about a specific customer

(No. 9). This information is hereinafter referred to as the “Confidential Information”.

3. 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. 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).

4. The attachment to Staff’s Post-Hearing Item 5 contains sensitive, negotiated lease agreements for facilities that are utilized by Columbia and its affiliates. The terms of agreements represent compromised negotiated positions on either side. If publicly shared, it could provide a commercial advantage to competitors of the leased facilities and could be detrimental to Columbia and its affiliates when participating in future negotiations. Columbia and its affiliates also take measures to protect these agreements from public disclosure. For this reason, Columbia is requesting confidential treatment of these documents pursuant to KRS 61.878(1)(c)(1).

5. The response to Staff’s Post-Hearing Item 8 contains union positions held by union employees where there is a similar non-union position. The response also contains the salaries of the union and non-union employees. 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 in the competition to hire and retain a competent workforce.

6. The response and attachment to Columbia's response to Staff's Post-Hearing Item 9 contains customer usage information, information about the location of utility infrastructure, details about the manner in which a customer is served, and information about the nature of a customer's business operations. In the hands of a competitor, this information could be detrimental to the customer's business and would permit an unfair commercial advantage to the customer's competitors. For this reason, Columbia is requesting confidential treatment of these documents pursuant to KRS 61.878(1)(c)(1). Finally, because of level of detail being provided, if provided publicly, the customer's identity could be discovered.

7. 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, 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.

8. 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 with the Confidential Information highlighted. The filing of the Confidential Information is noted in the public version of Columbia's responses which are also redacted.

9. 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 are filed herewith under seal, for the periods set forth herein.

This the 15 day of November, 2024.

Respectfully submitted,

*/s/ John R. Ryan* \_\_\_\_\_

L. Allyson Honaker  
Brittany Hayes Koenig  
Heather S. Temple  
Honaker Law Office, PLLC  
1795 Alysheba Way, Suite 6202  
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 November 15, 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.

*/s/ John R. Ryan*  
\_\_\_\_\_   
*Counsel for Columbia Gas of Kentucky, Inc.*