

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF)	
ATMOS ENERGY CORPORATION)	CASE NO.
FOR PERFORMANCE BASED)	2024-00205
RATEMAKING MECHANISM)	

**ATMOS ENERGY CORPORATIONS’S MOTION
FOR CONFIDENTIAL TREATMENT**

Comes now Atmos Energy Corporation (“Atmos Energy”), 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 First Request for Information (“Staff’s First Request”). In support of the motion Atmos Energy respectfully states as follows:

1. On October 11, 2024, Commission Staff issued its First Request for Information to Atmos Energy in the above styled proceeding.

2. As part of Atmos Energy’s responses, Atmos Energy is providing detailed information that Atmos Energy believes is confidential and should not be publicly disclosed. Specifically, the information is being provided in Attachment 1 to Response 1, which is the PBR Summary Schedule Annual Reports in Excel format. This response is referred to as the “Confidential Information” for which confidential protection is sought.

3. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure, including KRS 61.878(1)(c)(1); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky. App. 1994); and, *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The public disclosure of the

Confidential Information would potentially harm Atmos Energy's competitive position in the marketplace which would be to the detriment of Atmos Energy. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to Atmos Energy's effective execution of business decisions and strategy. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

4. Request No. 1 of Staff's First Request required Atmos Energy to provide Exhibit B to the Application in Excel format. In Attachment 1 to the Response, Atmos Energy is providing the Kentucky PBR Savings June 2020-May 2024. Atmos Energy believes this information should be granted confidential treatment pursuant to KRS 61.878(1)(c)(1) because disclosure of this information would allow competitors an unfair commercial advantage because if this information is disclosed the competitors will gain information regarding Atmos Energy's gas purchases, transportation costs, and business strategies. This Commission has granted confidential treatment for this information in the past.¹

5. Atmos Energy 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, Atmos Energy 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 Atmos Energy in any market, who may have a commercial conflict of interest or for any other reason.

¹ Case No. 2020-00289, *Electronic Request of Atmos Energy Corporation for Modification and Extension of its Gas Cost Adjustment Performance Based Ratemaking Mechanism*, December 6, 2022 Order (Ky. PSC December 6, 2022).

6. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Atmos Energy is providing one copy of the Confidential Information separately under seal. Since Atmos Energy is requesting confidential treatment for the entirety of the document, a redacted copy is not being provided in the public record and the copy being filed under seal with the Commission does not contain highlights. The filing of the Confidential Information is noted in the public version of Atmos Energy's response.

7. In accordance with the provisions of 807 KAR 5:001, Section 13(3), Atmos Energy respectfully requests that the documents be granted indefinite confidential protection. Given the competitive nature of the natural gas business it is necessary that the information remain confidential indefinitely.

WHEREFORE, on the basis of the foregoing, Atmos Energy 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 25th day of October, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that foregoing electronic filing was transmitted to the Commission on October 25, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of the filing will be made.

Counsel for Atmos Energy Corporation