

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF</b>	)	
<b>ATMOS ENERGY CORPORATION FOR</b>	)	<b>CASE NO.</b>
<b>AN ADJUSTMENT OF RATES;</b>	)	<b>2024-00276</b>
<b>APPROVAL OF TARIFF REVISIONS;</b>	)	
<b>AND OTHER GENERAL RELIEF</b>	)	

**ATMOS ENERGY’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 Third Request for Information (“Staff’s Third Request”) and the Attorney General’s Second Request for Information (“Attorney General’s Second Request”). In support of the motion Atmos Energy respectfully states as follows:

1. On December 16, 2024, Commission Staff issued its Third Request for Information and the Attorney General issued its Second 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 response to Staff’s Third Request, Item 3 and Attorney General’s Second Request, Item 1.

3. Request No. 3, Attachment 1 in Staff’s Third Request required Atmos Energy to provide a breakdown showing the extent to which Atmos has shared in savings pursuant to its performance based rate (“PBR”) mechanism in each fiscal year from 2021 to present. The

Attorney General's Second Request, Item 1 required Atmos Energy to provide information regarding raises in 2024. This response is referred to as the "Confidential Information" for which confidential protection is sought.

4. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure, including KRS 61.878(1)(a); 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.

5. Staff's Third Request, Item 3 required Atmos Energy to provide the extent to which Atmos has shared in savings pursuant to its PBR mechanism in each fiscal year from 2021 to present. In Attachment 1 to Response 3, 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 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.<sup>1</sup>

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<sup>1</sup> 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).

Additionally, Atmos Energy has requested confidential treatment for the same information in Case No. 2024-00205.<sup>2</sup>

6. The Attachment provided in response to the Attorney General's Second Request, Item 1 contains a third-party document regarding merit increases to employee salary. Atmos Energy is requesting confidential treatment of this third-party document pursuant to KRS 61.878(1)(c)(1) because if disclosed competitors in the utility industry would have inside knowledge of Atmos Energy's pay structure. This would case an unfair commercial advantage in the competitive area of employee retention. Additionally, Atmos Energy is requesting confidential treatment of this document pursuant to KRS 61.878(1)(a) because disclosure of the salary recommendations of employees would be an unwarranted invasion of personal privacy.

7. 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.

8. 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 documents, a redacted copy is not being provided in the public record and the copies being filed under seal with the Commission do not

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<sup>2</sup> Case No. 2024-00205, *Electronic Application of Atmos Energy Corporation for Performance Based Ratemaking Mechanism*; Atmos Energy Staff Set 1 Confidentiality Motion (filed October 25, 2024).

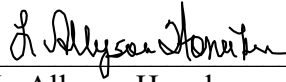
contain highlights. The filing of the Confidential Information is noted in the public version of Atmos Energy's responses.

9. 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 3<sup>rd</sup> day of January, 2025.

Respectfully submitted,



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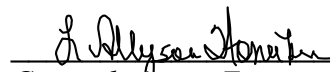
L. Allyson Honaker  
Brittany Hayes Koenig  
Heather Temple  
HONAKER LAW OFFICE, PLLC  
1795 Alysheba Way, Suite 1203  
Lexington, KY 40509  
(859) 368-8803 Phone  
No Fax  
allyson@hloky.com  
brittany@hloky.com  
heather@hloky.com

John N. Hughes  
7106 Frankfort Rd.  
Versailles, KY  
502 223-7033  
No Fax  
jnhughes@johnnhughespcc.com

*Attorneys for Atmos Energy Corporation*

**CERTIFICATE OF SERVICE**

This is to certify that the electronic filing has been transmitted to the Commission on January 3, 2025, and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means. Pursuant to prior Commission Orders no paper copies of this filing will be made.



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*Counsel, Atmos Energy Corporation*