

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

In the Matter of:

Electronic Application of Columbia Gas )  
of Kentucky, Inc. for a Declaratory )  
Order or in the Alternative a Certificate ) Case No. 2026-00129  
of Public Convenience and Necessity )  
Authorizing the Installation of New )  
Customer Service Software System )  
Upgrades

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

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Columbia Gas of Kentucky, Inc., (“Columbia”), by and through counsel, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, petitions the Kentucky Public Service Commission (“Commission”) to afford confidential treatment to information accompanying Columbia’s Application in this proceeding and respectfully states as follows:

1. Concurrent with this Motion, Columbia filed an application in this proceeding for a declaratory order regarding Columbia’s customer service software system upgrades. The Application being submitted to the Commission contains highly confidential and sensitive information including information from software providers regarding different programs that will be used in the IT system upgrades. This

information is found in the Application, Exhibit 2, Direct Testimony of Kevin Johannsen, Attachment KJ-3, Attachment KJ-4, and Attachment KJ-5. The information herein is collectively referred to as the “Confidential Information” for which protection is sought under KRS 61.878(1)(c)(1). Disclosure of the Confidential Information would permit an unfair commercial advantage to third parties and present an unnecessary and unreasonable infringement upon Columbia’s legitimate privacy concerns.

2. 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 (Ky. 1995). As stated above, the public disclosure of the Confidential Information would harm Columbia’s competitive position in the marketplace which would be to the detriment of Columbia. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to Columbia’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.

3. The documents provided in Attachment KJ-3 contain the Service Agreements regarding the technology Columbia has chosen for updates. Public disclosure of the Confidential Information would permit an unfair commercial advantage to Columbia’s competitors as well as the software providers. Disclosure of the

Confidential Information in Attachment KJ-3 would provide Columbia's competitors with Columbia's negotiated pricing and contract terms creating an unfair commercial advantage to others when negotiating future contracts. This would present a competitive disadvantage for Columbia when competing in the market. Moreover, disclosure of the Confidential Information would provide valuable insight into Columbia's software operations which reveals Columbia's priorities, risk tolerance, and relative value of particular items in Columbia's business operations. For these reasons the information provided in Attachment KJ-3 should be granted protection pursuant to KRS 61.878(1)(c)(1).

4. The documents provided in Attachment KJ-4 contain the Software Agreements regarding the technology Columbia has chosen for updates. Public disclosure of the Confidential Information would permit an unfair commercial advantage to Columbia's competitors as well as the software providers. Disclosure of the Confidential Information in Attachment KJ-4 would provide Columbia's competitors with Columbia's negotiated pricing and contract terms creating an unfair commercial advantage to others when negotiating future contracts. This would present a competitive disadvantage for Columbia when competing in the market. Moreover, disclosure of the Confidential Information would provide valuable insight into Columbia's software operations which reveals Columbia's priorities, risk tolerance, and relative value of particular items in Columbia's business operations. For these reasons the information

provided in Attachment KJ-4 should be granted protection pursuant to KRS 61.878(1)(c)(1).

5. The documents provided in Attachment KJ-5 contain the Requests for Proposal for the technology Columbia was seeking. Public disclosure of the Confidential Information would permit an unfair commercial advantage to Columbia's competitors as well as the software providers. Disclosure of the Confidential Information in Attachment KJ-5 would provide Columbia's competitors with insight into the types of software Columbia needed and potential risks to Columbia's information technology system. For these reasons the information provided in Attachment KJ-5 should be granted protection pursuant to KRS 61.878(1)(c)(1).

6. Columbia believes the information in all of the Attachments is ultimately related to Columbia's technology systems and what needs to be updated. All of the information is generally recognized as confidential and proprietary. Allowing competitors any insight into these areas of Columbia's business will give other utilities, software providers, and third-parties doing business with Columbia an unfair commercial advantage. The Commission should grant confidential treatment for all documents in this request pursuant to KRS 61.878(1)(c)(1).

7. The Confidential Information is not otherwise publicly available and is protected by both Columbia and other parties through confidentiality and non-disclosure agreements. The Confidential Information is retained by Columbia on a "need-to-know"

basis. The Confidential Information is distributed within Columbia only to those employees who must have access for business reasons and is generally recognized as confidential and proprietary.

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 because Columbia is requesting confidential treatment of the entirety of the documents. The filing of the Confidential Information is noted in the public version of Columbia's Application.

9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Columbia respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period.

10. 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.

11. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Columbia will notify

the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, Columbia respectfully requests the Commission classify and protect as confidential the Confidential Information described herein for an indefinite period.

This 4<sup>th</sup> day of June 2026.

Respectfully submitted,

*Heather S. Temple*

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L. Allyson Honaker  
Heather S. Temple  
Meredith L. Cave  
**HONAKER LAW OFFICE PLLC**  
1795 Alysheba Way, Suite 1203  
Lexington, KY 40509  
(859) 368-8803  
allyson@hloky.com  
heather@hloky.com  
meredith@hloky.com

Ashley G. LaRock  
Senior Counsel  
290 W. Nationwide Blvd.  
Columbus, Ohio 43215  
Telephone: (614) 273-4387  
alarock@nisource.com

*Counsel for Columbia Gas of Kentucky, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing was transmitted to the Commission on June 4, 2026, and that there are no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to prior Commission Orders, no paper copies of this filing will be made.

*Heather S. Temple*

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*Counsel for Columbia Gas of Kentucky, Inc.*