

In the Matter of:

APPLICATION OF ATMOS ENERGY)
CORPORATION FOR AN ADJUSTMENT) CASE NO. 2009-00354
OF GAS RATES

PETITION FOR CONFIDENTIALITY

The Applicant, Atmos Energy Corporation ("Atmos" or "Applicant"), petitions the Public Service Commission ("Commission") pursuant to 807 KAR 5:001 Section 7 and all other applicable law, for confidential treatment of the information which is described below. In support of this Petition, Atmos states:

1.

In accordance with the procedural order dated December 15, 2009, the Commission and the Attorney General have requested certain information from Atmos, which is to be filed as part of the evidentiary record in this matter. Based on the reasons set forth below, the information is entitled to confidential treatment under 807 KAR 5:001, Section 7, and all other applicable law. KRS 61.878(l)(c) protects commercial information, generally recognized as confidential or proprietary, if its public disclosure would cause competitive injury to the disclosing entity. Competitive injury occurs when disclosure of the information would give competitors an unfair business advantage.

Disclosure of the information sought to be protected would allow Atmos' competitors to gain confidential information about Atmos' business practices, financial condition, and expansion plans that would not otherwise be available to them. Atmos has no corresponding right to obtain similar information from its competitors. This information

would accordingly enable competitors to have an unfair commercial advantage. The information sought to be protected is not publicly available and is not disseminated within Atmos except to those employees with a legitimate business need to know and act upon the information.

2.

The Commission has requested information revealing the improvements and cost to certain areas of Bowling Green, KY.

PSC 2-27 Refer to pages 9 - 11 of the Napier Testimony. Provide a detailed description of the one-time system improvement project in Bowling Green with an estimated cost of \$5.6 million. Explain why this project will be undertaken in fiscal year 2010 and show the extent to which this project causes the forecasted test period capital budget to be \$24.75 million, which is 30 percent more than the capital budget for any of the fiscal years 2004 through 2008.

The Attorney General has requested confidential financial rating information:

AG 1-067 [Rate of Return] - Please provide copies of all correspondence between Atmos Energy Corporation and any of the three major bond rating agencies (S&P, Moody's, and Fitch) from January 1, 2005 to the present. These include copies of letters, reports, presentations, emails, and notes from telephone conversations.

3.

The response to the Commission's question includes a map of the current and proposed facilities in Bowling Green. The response to the Attorney General includes rating agency reports and correspondence. Atmos would not as a matter of company policy publicly disclose the map or the rating agency documents requested in these two data requests, except as required by law or pursuant to a court order or subpoena. Internal policies are directed toward non-disclosure of the information in question. The information will not be disclosed to any personnel except those who need to know in order

to discharge their responsibilities. The information provided to the Commission and Attorney General is not information customarily disclosed to the public and is generally recognized as confidential and proprietary.

4.

There is no significant interest in public disclosure of the attached information. Any public interest in favor of disclosure of the information is outweighed by the competitive interest in keeping the information confidential, thereby enabling Atmos to successfully compete for business in Kentucky and other states and by the need to protect confidential business plans such as the Bowling Green extension and proprietary correspondence with financial rating agencies. Disclosure of the information in question would put Atmos at a competitive disadvantage and potentially harm its customers. Moreover, the public interest would be best served by the nondisclosure of the materials in question. Additionally, the map associated with PSC 2-27 is considered sensitive and not subject to public dissemination. For example, on the PSC's website the following disclaimer is required to obtain natural gas distribution system maps:

I understand that since September 11, 2001, location data of critical utility structures is considered sensitive information for security reasons. I will not publish this map or any part of it on the World Wide Web. I will not redistribute this map to others, but shall refer requests by others for such information to the Kentucky Public Service Commission.

5.

The information that Atmos seeks to be afforded confidential treatment also constitutes a trade secret under the two prong test of KRS 365.880: a) the economic value of the information is derived by not being readily ascertainable by other persons who might obtain economic value by its disclosure; and, b) the information is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Both of the

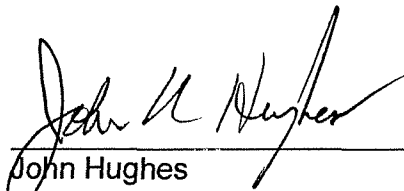
statutory tests are met in this instance. Only Atmos is in a position to know its business plan, main extension requirements, future business objectives and costs. The economic value of this information is derived by maintaining the secrecy of the information, since its competitors could obtain economic value through its disclosure.

6.

Pursuant to 807 KAR 5:001, Section 7(3), temporary confidentiality for the enclosed information should be maintained until the Commission enters an Order as to this Petition. Once the Order regarding confidentiality has been issued, Atmos would have twenty (20) days to seek alternative remedies pursuant to 807 KAR 5:001, Section 7(4), if necessary.

For these reasons, Atmos petitions the Commission to treat as confidential all of the information identified in this Petition.

Submitted this 25th day of January, 2010.



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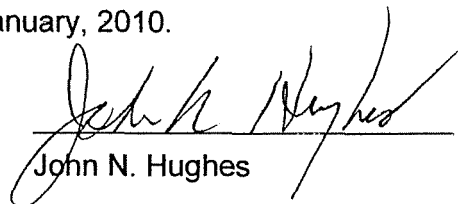
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Certification:

I certify that a copy of this Petition and the Responses to the Commission and Attorney General data requests have been delivered to the Attorney General, 1025 Capital Center Drive, Frankfort, KY 40601, the 25th day of January, 2010.



John N. Hughes

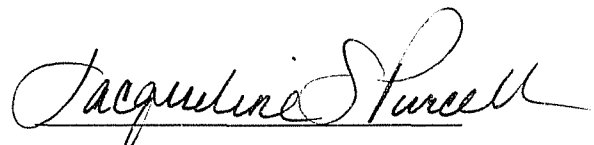
VERIFICATION

I, Mark Martin, being duly sworn under oath state that I am Vice President – Rates and Regulatory Affairs for Atmos Energy Corporation's Kentucky/Mid-South operations, and the statements contained in the foregoing Petition are true to the best of my knowledge and believe.


Mark Martin

STATE OF KENTUCKY
COUNTY OF DAVIESS

The foregoing Petition was acknowledged before me by Mark Martin Vice President – Rates and Regulatory Affairs for Atmos Energy Corporation's Kentucky/Mid-States operations, on this the 21st day of January, 2010.


Notary Public

My Commission expires: 11/15/2011