

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ATMOS ENERGY)	
CORPORATION FOR CONTINUATION OF)	CASE NO. 2012-00440
ITS HEDGING PROGRAM)	

ORDER

On March 28, 2013, the Commission entered an Order in this proceeding which adopted the reporting requirements from Case No. 2007-00551. On April 30, 2013, Atmos Energy Corporation (“Atmos”) filed its Final Hedging Report for the 2012-2013 heating season as well as a petition, pursuant to 807 KAR 5:001, Section 13,¹ that certain materials filed with the Commission be afforded confidential treatment and that the information not be placed in the public record subject to public inspection.

In support of its petition, Atmos states that the information it is requesting to be held confidential is more particularly described as Exhibits A-C attached to the Final Hedging Report. Atmos states that these three exhibits contain sensitive pricing information and confidential information about Atmos’s hedging strategies which constitute sensitive, proprietary information, and that such information, if publicly disclosed, could put Atmos at a commercial disadvantage in future hedging negotiations. Atmos states that prospective brokers of hedging devices would gain insight into how Atmos is likely to react to changing market conditions in terms of what Atmos might be willing to pay for hedging contracts—information which would not

¹ Atmos filed its petition pursuant to 807 KAR 5:001, Section 7; however, 807 KAR 5:001 was amended effective Jan. 4, 2013, with Section 13 replacing Chapter 7 regarding confidential material.

otherwise be available. Exhibit A details Atmos's hedging implementation; Exhibit B consists of the accounting entries related to the hedging program; and, Exhibit C confirms total gas cost and associated volume by month for the 12-month period beginning with March 2012 production.

Atmos states that the information contained in the attachments is not disclosed to any of its personnel except those who need to know in order to discharge their responsibility, is not customarily disclosed to the public, is generally recognized as confidential and proprietary in the industry, and would impose an unfair commercial disadvantage on Atmos and constitutes a trade secret. Atmos further states that as there is no significant interest in public disclosure of the information concerning the actual price being paid by Atmos to individual marketing companies and other suppliers of natural gas, and that any public interest in disclosure of the information is outweighed by the competitive interest in keeping the information confidential. Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The materials for which Atmos seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

2. The materials for which Atmos seeks confidential treatment should not be placed in the public record or made available for public inspection.

IT IS THEREFORE ORDERED that:

1. Atmos's petition for confidential protection is hereby granted and the materials for which Atmos seeks confidential treatment shall not be placed in the public record nor made available for public inspection.

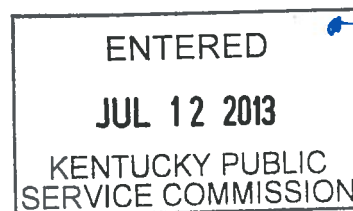
2. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

3. Atmos shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

4. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Commission shall notify Atmos in writing and direct Atmos to demonstrate within 20 days of its receipt of the notice that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Atmos is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

5. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Atmos to seek a remedy afforded by law.

By the Commission



ATTEST:



Executive Director

Case No. 2012-00440

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