

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS)	
ADJUSTMENT FILING OF COLUMBIA GAS OF)	CASE NO.
KENTUCKY, INC.)	2018-00253

ORDER

On July 30, 2018, Columbia Gas of Kentucky, Inc. (Columbia Kentucky), filed a motion pursuant to KRS 61.878(1)(c), KRS 61.878(1)(k), and 807 KAR 5:001, Section 13, requesting that materials filed in response to Commission Staff's Request for Information issued in Appendix B of the May 16, 2018 final order in Case No. 2018-00150¹, be afforded confidential treatment for an indefinite period of time. Columbia Kentucky's motion specifically requested confidential treatment of its responses to Data Request 1, Attachment A, parts 6 and 8; Data Request 2, Attachments A, B, and C; Data Request 8, Attachment A; and Data Request 9, Attachment A.

In support of its motion, Columbia Kentucky contends that the specified materials contain information generally recognized as confidential or proprietary, and that disclosure of the information would permit an unfair commercial advantage to competitors of Columbia Kentucky under KRS 61.878(1)(c).² Columbia Kentucky further contends that the specified materials contain information which reveal fruits of negotiations,

¹ Case No. 2018-00150, *Purchased Gas Adjustment Filing of Columbia Gas of Kentucky, Inc.* (May 16, 2018).

² Motion of Columbia Gas of Kentucky, Inc. For Confidential Treatment of Response to Staff Data Request Dated May 16, 2018, Page 2 (filed July 30, 2018).

competitive terms, rates, and bids with suppliers.³ Specifically, Data Request 1, Attachment A, parts 6 and 8, contain negotiated discounted rates. Data Request 2, Attachment A is a negotiated term agreement with supplier premiums. Data Request 2, Attachment B contains the actual winning bids with supplier names included. Data Request 2, Attachment C contains the actual negotiated base contract with special negotiated terms and supplier information. Data Request 8, Attachment A contains "Bid Response Sheets" with the names of suppliers and their bids. Finally, Data Request 9, Attachment A contains Columbia Kentucky's supply plan for the summer of 2018. Columbia Kentucky asserts that the disclosure of the responses and attachments could cause substantial competitive harm to it and its suppliers.⁴

Having carefully considered the motion and the materials at issue, the Commission finds that the designated materials for which Columbia Kentucky seeks confidential treatment are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, would permit an unfair commercial advantage to competitors, and therefore 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.

IT IS THEREFORE ORDERED that:

1. Columbia Kentucky's motion for confidential protection for designated materials contained in the response to Commission Staff's Request for Information issued in Appendix B of the May 16, 2018 final order in Case No. 2018-00150, is granted.

³ *Id.*

⁴ *Id* at 3.

2. The designed materials shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

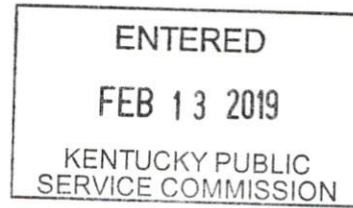
3. Use of the materials in question in any proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Columbia Kentucky shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, Columbia Kentucky shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Columbia Kentucky is unable to make such demonstration, the requested materials shall be made available for inspection.

6. The Commission shall not make the requested materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Columbia Kentucky to seek a remedy afforded by law.

By the Commission



ATTEST:


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