

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ATMOS)	CASE NO.
ENERGY CORPORATION FOR AN)	2018-00281
ADJUSTMENT OF RATES)	

ORDER

Atmos Energy Corporation (Atmos) has filed multiple motions, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection indefinitely for materials filed in this matter.

On October 12, 2018, Atmos filed a motion requesting that the Commission grant confidential protection indefinitely for its responses to Commission Staff's First Data Request Items 35, 48, 53, and 71. In support of its motion, Atmos argues that information for which it seeks confidential treatment contains detailed information pertaining to wages, compensation, employee benefits, income taxes, and other confidential information. Atmos argues that public disclosure of this information would cause substantial competitive harm to Atmos, and this information is generally recognized as confidential and proprietary.

On January 11, 2019, Atmos filed a motion requesting that the Commission grant confidential protection indefinitely for its responses to Commission Staff's Third Data Request Items 10 and 25, attachments 1 and 2. In support of its motion, Atmos argues that information for which it seeks confidential treatment contains sensitive internal strategic information regarding potential future changes to the company's capital

structure. Atmos argues that public disclosure of this information would unfairly harm Atmos's competitive position in the marketplace and that this information is generally recognized as confidential and proprietary.

On February 15, 2019, Atmos filed a motion requesting that the Commission grant confidential protection indefinitely for its responses to Commission Staff's Fourth Data Request Items 1(g), 5(b), and 6(a). In support of its motion, Atmos argues that information for which it seeks confidential treatment contains information pertaining to insurance premium rates, tax calculations, and other confidential information. Atmos argues that public disclosure of this information would provide an unfair commercial advantage to competitors.

On March 21, 2019, Atmos filed a motion requesting that the Commission grant confidential protection indefinitely for its responses to Commission Staff's Fifth Data Request Items 2(c)–2(e), 7, and 8. In support of its motion, Atmos argues that information for which it seeks confidential treatment contains sensitive information pertaining to engineering firms and contractors awarded various capital projects referenced in Atmos's response to Commission Staff's Third Data Request Item 27, attachment 1; vendor names that can be associated with specific project costs; and federal income tax returns. Atmos argues that public disclosure of this information would unfairly harm Atmos's competitive position in the marketplace, and this information is generally recognized as confidential and proprietary.

On April 8, 2019, and April 22, 2019, Atmos filed motions requesting that the Commission grant confidential protection indefinitely for its responses to Commission Staff's Post-Hearing Data Request Items 1–12. In support of its motion, Atmos argues

that information for which it seeks confidential treatment contains sensitive commercial information associated with specific projects and pipeline locations, and identifies threats to the Atmos's distribution systems and assigns a relative risk rating to facilities to help indicate elevated levels of risk. Atmos argues that public disclosure of this information would allow competitors or others to determine pipeline locations, risk factors, high-risk locations of facilities and other vulnerabilities of Atmos's pipeline facilities, as well as unfairly harm Atmos's competitive position in the marketplace, and this information is generally recognized as confidential and proprietary.

Having considered the motions and the material at issue, the Commission finds that Atmos's responses to Commission Staff's First Data Request Items 35, 48, 53, and 71; responses to Commission Staff's Third Data Request Items 10 and 25, attachments 1 and 2; responses to Commission Staff's Fourth Data Request Items 1(g), 5(b), and 6(a); responses to Commission Staff's Fifth Data Request Items 2(c)–2(e), 7, and 8; and Responses to Commission Staff's Post-Hearing Data Request Items 1–12 are generally recognized as confidential or proprietary; this material therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Atmos's motions for confidential protection are granted.
2. The designated material shall not be placed in the public record or made available for public inspection indefinitely or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Atmos shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Atmos shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Atmos is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of 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

Vice Chairman Kent A. Chandler did not participate in the deliberations or decision concerning this case.



ATTEST:


Executive Director

Case No. 2018-00281

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