

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NAVITAS KY	)	CASE NO.
NG, LLC FOR AN ALTERNATE RATE	)	2019-00430
ADJUSTMENT	)	

ORDER

On April 23, 2020, Navitas KY NG, LLC (Navitas KY) filed a motion pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for its supplemental response to Commission Staff's Second Request for Information (Staff's Second Request), Item 7. The designated material is more specifically described as financial proposals related to the transportation of natural gas made in response to a request to bid. Navitas KY requested that the designated material be granted confidential treatment for an indefinite period until a contract is awarded in this matter or if Navitas KY cancels the procurement process without award of a contract and decides that the contract will not be resolicited.

In support of its motion, Navitas KY asserted that the designated material generally recognized as confidential or proprietary under KRS 61.878(1)(c)(1). Navitas KY further asserted that public disclosure of the designated material would present an unfair competitive advantage to other bidders for the contract, and thus could create commercial harm to Navitas KY.

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary, and it

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. Navitas KY's motion for confidential protection for its supplemental response to Staff's Second Request, Item 7, is granted.

2. The designated information contained in the designated material shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

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

4. Navitas KY shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party 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, Navitas KY 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 Navitas KY 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 following an Order finding that the material no longer qualifies for confidential treatment in order to allow Navitas KY to seek a remedy afforded by law.

By the Commission

ENTERED  
MAY 18 2020 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

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