

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF COLUMBIA)	
GAS OF KENTUCKY, INC. FOR AN)	
ADJUSTMENT OF RATES; APPROVAL OF)	CASE NO.
DEPRECIATION STUDY; APPROVAL OF TARIFF)	2021-00183
REVISIONS; ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY; AND)	
OTHER RELIEF)	

ORDER

On November 19, 2021, Columbia Gas of Kentucky, Inc. (Columbia Kentucky) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for figures redacted from documents provided in response to Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention’s (Attorney General) First Request for Information (Attorney General’s First Request) Item No. 139 and Commission Staff’s Post-Hearing Request for Information (Staff’s Post-Hearing Request) Item No. 10.¹

In support of its motion, Columbia Kentucky argued that KRS 61.878(1)(c)(1) exempts the provided information from disclosure because it constitutes “[r]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit

¹ On November 3, 2021, an evidentiary hearing was conducted to review Columbia Kentucky’s Application. During the cross examination of Susan Taylor, she indicated that Columbia Kentucky’s original response to Attorney General’s First Request Item No. 139 contained errors. The Commission requested that any error be corrected in an errata sheet. Columbia Kentucky seeks confidential treatment of the figures redacted from the errata sheet.

an unfair commercial advantage to competitors of the entity that disclosed the records.” The redacted information consists of dollar amounts Columbia Kentucky or its parent company, NiSource, Inc., forecasted that it will save by using a series of efficiencies designated as NiNext Transformation Initiatives. The brief descriptions of these initiatives are not redacted. However, Columbia Kentucky characterized the figures as valuable work product that is the result of hundreds of hours of investment and based upon confidential and proprietary information, ideas, and processes, which if disclosed would put it at a disadvantage to competitors.

Having considered the motion and the material at issue, the Commission finds that figures redacted from documents provided in response to Attorney General’s First Request Item No. 139 and Staff’s Post-Hearing Request, Item No. 10, are generally recognized as confidential or proprietary. Competitors would have an advantage over Columbia Kentucky if they knew how much Columbia Kentucky expected to save by implementing strategic efficiency initiatives. Although such competitors would not have Columbia’s detailed implementation plan, they could look at the figures and decide whether forecasted savings for each area merited their own initiatives or studies exploring potential initiatives. The Commission has previously granted confidential treatment to forecasted efficiencies.² The information, 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).

² Case No. 2013-00148, *Application of Atmos Energy Corporation for an Adjustment of Rates and Tariff Modifications* (Ky. PSC Nov. 25, 2013), Order at 3, 5.

IT IS THEREFORE ORDERED that:

1. Columbia Kentucky's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Columbia Kentucky 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, Columbia Kentucky 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 Columbia Kentucky 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 Columbia Kentucky to seek a remedy afforded by law.

By the Commission

ENTERED
DEC 07 2021
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00183

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