

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                   |   |            |
|-----------------------------------|---|------------|
| ELECTRONIC APPLICATION OF DELTA   | ) |            |
| NATURAL GAS COMPANY, INC. FOR AN  | ) | CASE NO.   |
| ADJUSTMENT OF ITS RATES AND A     | ) | 2021-00185 |
| CERTIFICATE OF PUBLIC CONVENIENCE | ) |            |
| AND NECESSITY                     | ) |            |

ORDER

On August 12, 2021, Delta Natural Gas Company, Inc. (Delta) filed a petition for confidential treatment, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection indefinitely for Delta's response to the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention's (Attorney General) follow-up request for information (Attorney General's Request), Item B5.<sup>1</sup> The designated material is more specifically described as a third-party compensation study.

As a basis for its petition, Delta argued that the third-party compensation study provided in response should be granted confidential treatment under KRS 61.878(1)(c)(1), which prohibits disclosure of information "generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records." The third party,

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<sup>1</sup> In a motion to supplement filed with the petition for confidential treatment, Delta states that the Attorney General provided Delta with follow up questions to Delta's responses to the Attorney General's First Request for Information on August 2, 2021. The Commission notes that the case record does not include the Attorney General's August 2, 2021 follow-up request for information.

CompAnalyst, is a commercial platform that provides compensation information and data. Delta argued that this information is commercially sensitive, as it pays for access to the platform, and the vendor derives revenue from developing and selling such information to customers. Delta claimed that the designated material is proprietary to the third party who compiled and published the information. Delta asserted that public disclosure of this information would harm its relationships with this party and that the third party might be less willing to provide these types of services to Delta in the future.

Having considered the petition and the material at issue, the Commission finds that Delta's petition should be granted. The Commission previously granted confidential treatment for similar third-party proprietary information.<sup>2</sup> The Commission finds that the designated material consists of information that is proprietary to a third party, and thus is the type of record that meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Delta's August 12, 2021 petition 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 an indefinite period 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).

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<sup>2</sup> Case No. 2019-00271, *Electronic Application of Duke Energy Kentucky, Inc. for 1) an Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and 4) All Other Required Approvals and Relief* (Ky. PSC Apr. 29, 2020), Order at 3, 5.

4. Delta shall inform the Commission if the designated material granted confidential treatment 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, 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 Delta 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 Delta to seek a remedy afforded by law.

By the Commission



ATTEST:

  
Executive Director

Case No. 2021-00185

\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Monica Braun  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KENTUCKY 40507-1801

\*Emily Bennett  
Delta Natural Gas Company, Inc.  
3617 Lexington Road  
Winchester, KY 40391

\*Delta Natural Gas Company, Inc.  
3617 Lexington Road  
Winchester, KY 40391

\*John B Brown  
Chief Financial Officer  
Delta Natural Gas Company, Inc.  
3617 Lexington Road  
Winchester, KY 40391

\*John G Horne, II  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Mary Ellen Wimberly  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KENTUCKY 40507-1801

\*J. Michael West  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204