

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT)	CASE NO.
FILING OF DELTA NATURAL GAS COMPANY,)	2022-00326
INC.)	

ORDER

On September 22, 2022, Delta Natural Gas Company, Inc. (Delta) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for the identity of its gas suppliers contained in its Gas Cost Recovery Rate Quarterly Report (Report) as well as invoices (Invoices) that contain supplier information, prices, interconnections, and volumes.

In support of its petition, Delta argues that public disclosure of this information would result in competitive harm by adversely impacting Delta's ability to negotiate future gas supply contracts at favorable prices, and therefore would impair Delta's ability to minimize the price of natural gas paid by Delta's customers. Delta requests the identity of each supplier be kept confidential by redacting the suppliers' names from the Report. Delta requested the Invoices be kept confidential in their entirety due to the sensitive gas supply purchasing information those contain.

KRS 61.878(1)(c)(1) exempts from open records laws information generally recognized as confidential or proprietary that if publicly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

Having considered the petition and the material at issue, the Commission finds that the Report as well as the Invoices are generally recognized as confidential or proprietary, and that public disclosure could result in commercial harm to Delta by impairing Delta's ability to obtain the most favorable prices for its natural gas supply, which in turn would raise the price paid by Delta's customers for natural gas. The Report and Invoices contain the identity of suppliers and links those suppliers with specific gas volumes and gas costs, which could provide suppliers an unfair competitive advantage during negotiations. The Invoices further identify unit costs and interconnection points, which is all sensitive information that could provide competitors an unfair commercial advantage. The designated 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) as disclosure would permit an unfair commercial advantage to the competitors of Delta.

IT IS THEREFORE ORDERED that:

1. Delta's 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).
4. Delta 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, Delta 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.

PUBLIC SERVICE COMMISSION

Kent Bell
Chairman

*MP R
Sign
4/10/23*

Angie Hutton
Vice Chairman

Mandyat Regan
Commissioner

ENTERED
AUG 10 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

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