

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT )	CASE NO.
FILING OF NAVITAS KY NG, LLC )	2023-00091

ORDER

On March 29, 2023, Navitas KYNG, LLC (Navitas) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential treatment for five years for invoices which contain pricing and volume information from third-party natural gas suppliers.

LEGAL STANDARD

KRS 61.878(1)(c)(1) exempts from public disclosure material generally recognized as confidential or proprietary that, if openly disclosed, would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

DISCUSSION AND FINDINGS

In support of its motion, Navitas argued that that the public disclosure of the invoices could place Navitas at a competitive disadvantage pursuant to KRS 61.878(1)(c)(1). Navitas claimed that public disclosure would negatively impact its ability to fairly negotiate terms with counterparties in the marketplace.

Having considered the motion and the material at issue, the Commission finds that the invoices containing pricing and volume information from third-party natural gas suppliers are generally recognized as confidential or proprietary because their disclosure could put Navitas at a competitive disadvantage; they therefore meet the criteria for

confidential treatment and should be 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'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 five 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. Navitas 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, Navitas 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 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 Navitas to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

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