

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT	)	CASE NO.
FILING OF DELTA NATURAL GAS COMPANY,	)	2023-00214
INC.	)	

ORDER

On June 28, 2023, 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 Quarterly Gas Cost Recovery Report (Report) as well as invoices that contain supplier information, prices, interconnections, and volumes.

In support of its petition, Delta argued that the public disclosure of this information would result in commercial harm by adversely impacting Delta's ability to negotiate future gas supply contracts at favorable prices and would impair Delta's ability to minimize the price of natural gas paid by Delta's customers. Both the Report and invoices contain the identity of suppliers and links those suppliers with specific gas volumes and gas costs, which could provide competitors an unfair commercial advantage. Therefore, Delta requests the identity of each supplier in the Report and the invoices in their entirety be given confidential treatment under KRS 61.878(1)(c)(1), which exempts from public disclosure 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 identity of each supplier in the Report and the invoices in their entirety 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 impacts ratepayers if the higher costs are recovered in rates. For this reason, the Commission further finds the designated material in the June 28, 2023 petition meets 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. Delta's June 28, 2023 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.

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PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

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

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

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

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