

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT )      CASE NO.  
FILING OF ATMOS ENERGY CORPORATION    )      2023-00307

ORDER

On September 29, 2023, Atmos Energy Corporation (Atmos) 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 following information contained in Atmos's Quarterly Gas Supply Clause filing:

- a. Exhibit C, which contains projected gas prices used by Atmos to calculate the weighted average cost of gas;
- b. Exhibit D, which contains financial information that can be used to calculate the actual price being paid by Atmos for natural gas to its suppliers; and
- c. Invoices and monthly usage reports for each month of the reporting period.

As a basis for its petition, Atmos asserted that public disclosure of this information would adversely impact Atmos's ability to negotiate future gas supply contacts at favorable prices, and therefore would impair Atmos's ability to minimize the price of natural gas paid by Atmos's customers. For this reason, Atmos argued that public disclosure is prohibited under KRS. 61.878(1)(c)(1), which prohibits public disclosure of records that are confidential or proprietary that, if publicly disclosed, would result in competitive advantage to the discloser's competitors.

Having considered the petition and the material at issue, the Commission finds that Atmos's petition should be granted. This is because Atmos's competitors could use the designated material to compete with Atmos for these supplier's business or suppliers could use the data to unfairly negotiate with Atmos. The material at issue is generally recognized as confidential or proprietary; it 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).

IT IS THEREFORE ORDERED that:

1. Atmos's September 29, 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 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. Atmos 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, Atmos 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 Atmos 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 Atmos to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION

  
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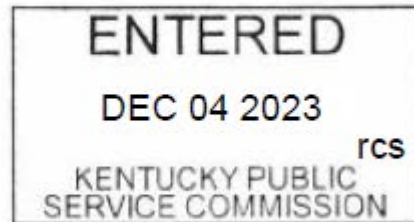
Chairman

  
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Vice Chairman

  
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Commissioner



ATTEST:

  
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Executive Director

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