

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT)	CASE NO.
FILING OF COLUMBIA GAS OF KENTUCKY,)	2023-00350
INC.)	

ORDER

On October 30, 2023, Columbia Gas of Kentucky, Inc. (Columbia Kentucky) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for redacted portions of its Gas Cost Recovery Rate Quarterly Report, specifically the identity of its gas suppliers, as well as invoices containing supplier information, prices, interconnections, and volumes.

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884."¹ Exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.² The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.³

¹ KRS 61.872(1).

² See KRS 61.871.

³ 807 KAR 5:001, Section 13(2)(c).

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.

In support of its motion, Columbia Kentucky argued that public disclosure of this information would result in competitive harm by adversely impacting Columbia Kentucky's ability to negotiate future gas supply contracts at favorable prices, and therefore would impair Columbia Kentucky's ability to minimize the price of natural gas paid by Columbia Kentucky's customers.

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary and public disclosure of the confidential information could result in commercial harm to Columbia Kentucky by impairing its ability to obtain the most favorable prices for its natural gas supply, which in turn would raise the price paid by Columbia Kentucky's customers for natural gas. For this reason, the Commission further finds the designated material in the motion 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. Columbia Kentucky'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 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. Columbia Kentucky shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

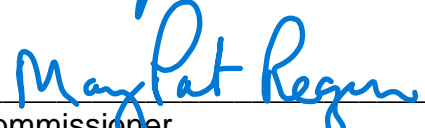
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Columbia Kentucky shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Columbia Kentucky 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 Columbia Kentucky to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
JAN 10 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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