

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT)	CASE NO.
FILING OF DELTA NATURAL GAS COMPANY,)	2024-00072
INC.)	

ORDER

On March 25, 2024, 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 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 advantage to competitors of the entity that disclosed the records.

In support of its petition, Delta argued that public disclosure of supplier pricing and terms 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.

Having considered the petition 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 Delta, by impairing its 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.⁴ For this reason, the Commission further finds that the designated material in the 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 March 25, 2024 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.

⁴ See Case No. 2023-00350, *Electronic Purchased Gas Adjustment Filing of Columbia Gas of Kentucky, Inc.* (Ky. PSC Jan. 10, 2025), Order at 2.

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 20 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.

Entered on this 8th day of May, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Commissioner



Andrew W. Wood
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2024-00072

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