

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
FRONTIER GAS, LLC FOR AN ALTERNATIVE)	CASE NO.
RATE FILING PURSUANT TO 807 KAR 5:076 AND)	2025-00277
OTHER GENERAL RELIEF)	

ORDER

On September 19, 2025,¹ by Order, Kentucky Frontier Gas, LLC's (Kentucky Frontier) application for an alternative rate adjustment pursuant to 807 KAR 5:076 was accepted. On September 11, 2025, the Attorney General, by and through the Office of Rate Intervention, (Attorney General) was granted intervention.² By Order dated September 26, 2025, the Commission established a procedural schedule, and on October 21, 2025, the Commission issued an Order setting a hearing date.

On October 17, 2025, Kentucky Frontier responded to Commission Staff's (Staff) First Request for Information. On November 19, 2025, Kentucky Frontier filed responses to Staff's Second Request for Information and the Attorney General's First Requests for Information. All responses were accompanied by respective motions, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant

¹ Kentucky Frontier tendered its application on August 29, 2025. By letter dated September 9, 2025, Kentucky Frontier was notified that the application was deficient. The Commission issued an Order on September 19, 2025, granting a deviation from the filing requirements, finding that the application deficiencies were resolved and accepting the application.

² Order (Ky. PSC Sept. 11, 2025).

confidential protection for specified information related to responses to Requests for Information (Request).

In addition to the pending motions for confidential treatment, on November 25, 2025, the Attorney General filed a motion for leave to file testimony and to amend the procedural schedule. The three motions for confidential protection and the motion to seeking leave to file testimony and amend the procedural schedule are the subject of this Order.

LEGAL STANDARD

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.”³ Exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.⁴ The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.⁵

In support of its motions, Kentucky Frontier argued that several exemptions set forth in KRS 61.878 apply. Specifically, KRS 61.878(1)(c)(1), provides an exception to the requirement for public disclosure for records that are “generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.” KRS 61.878(1)(a), exempts “[p]ublic records containing information of a personal nature where the public

³ KRS 61.872(1).

⁴ KRS 61.871.

⁵ 807 KAR 5:001, Section 13(2)(c).

disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” Finally, KRS 61.878(1)(m) exempts “[p]ublic records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act.”⁶ The exemption is limited to certain types of records, including:

Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems.⁷

A terrorist act is defined as including a criminal act intended to “[d]isrupt a system” identified in the above.⁸

KENTUCKY FRONTIER’S OCTOBER 17, 2025 MOTION

Kentucky Frontier requested confidential treatment for its responses to Commission Staff’s First Request for Information (Staff’s First Request), Items 7 and 9. The response to Item 7 included certificates of insurance and most recent invoices for general liability, workers’ compensation, automobile, property, and casualty for 2024 and 2025.⁹ Kentucky Frontier argued that it has worked to get the best market price for insurance coverage and at times has recently found it difficult to obtain coverage for a small gas utility and therefore seeks confidential treatment of the insurance premiums

⁶ KRS 61.878(1)(m)(1).

⁷ KRS 61.878(1)(m)(1)(f).

⁸ KRS 61.878(1)(m)(2)(b).

⁹ Kentucky Frontier’s Motion for Confidential Treatment (filed Oct. 17, 2025) (October 17, 2025, Motion) at 1.

being paid and the companies that are providing insurance coverage.¹⁰ Kentucky Frontier argued confidential treatment of the insurance premiums and names of the companies providing insurance will protect its position in the market and its ability to maintain insurance coverage.¹¹

The response to Item 9 included an excel spreadsheet showing each position, job title, hours worked, pay rates, total wages paid, and total FICA cost for each employee for the year ended December 31, 2024, and 2025 to date with hire and termination dates. Kentucky Frontier requested confidential treatment for the employee job titles.¹² Kentucky Frontier argued that it is a small utility with few employees.¹³ Revelation of employee titles would easily allow discovery of what salary is being paid to which employees, thereby harming Kentucky Frontier's ability to competitively hire and retain employees.¹⁴ Kentucky Frontier's competitors, if given access to this information, could harm its position in the job market.¹⁵ Kentucky Frontier requested that the response to Items 7 and 9 be withheld from public disclosure for an indefinite period.¹⁶

Having considered the October 17, 2025 motion and the material at issue, the Commission finds that Kentucky Frontier's motion for confidential treatment should be granted; however, insurance policies provided in the response to Item 7 should remain

¹⁰ October 17, 2025 Motion at 1.

¹¹ October 17, 2025 Motion at 2.

¹² October 17, 2025 Motion at 1.

¹³ October 17, 2025 Motion at 3.

¹⁴ October 17, 2025 Motion at 3.

¹⁵ October 17, 2025 Motion at 3.

¹⁶ October 17, 2025 Motion at 1.

confidential for five years under KRS 61.878(1)(c)(1) because disclosure could negatively affect Kentucky Frontier's ability to negotiate for insurance policies in the future.¹⁷ Non-executive employee position, job titles provided in responses to Item 9 should remain confidential indefinitely under KRS 61.878(1)(a) because disclosure would constitute a clearly unwarranted invasion of personal privacy.¹⁸

KENTUCKY FRONTIER'S NOVEMBER 19, 2025 MOTION

Kentucky Frontier requested confidential treatment for its responses to the Attorney General's First Request for Information (Attorney General's First Request), Items 1, 23, 24, and 26. The response to Item 1 included a map of Frontier's natural gas service area.¹⁹ Kentucky Frontier argued that the map includes identifications and depictions of certain critical utility infrastructure necessary to transmit natural gas in the region.²⁰ If this map is disclosed, the information could be utilized to commit or further a criminal or terrorist act, disrupt critical public utility systems, and/or intimidate or coerce the civilian population.²¹

The response to Items 23, 24, and 26 information specific to Kentucky Frontier's corporate tax returns. Kentucky Frontier argued that the corporate tax returns contain information regarding income, budgeting information, and general asset information that

¹⁷ See Case No. 2018-00281, *Electronic Application of Atmos Energy Corporation for an Adjustment of Rates* (Ky. PSC Feb. 3, 2021), Order.

¹⁸ See Case No. 2021-00183, *Electronic Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates; Approval of Depreciation Study; Approval of Tariff Revisions; Issuance of a Certificate of Public Convenience and Necessity; and Other Relief* (Ky. PSC May 15, 2023), Order at 3.

¹⁹ KRS 61.878(1)(m)(1).

²⁰ Kentucky Frontier's Motion for Confidential Treatment (filed Nov. 19, 2025) (November 19, 2025 Motion) at 2.

²¹ November 19, 2025 Motion at 2.

is not otherwise publicly available.²² The information is proprietary and disclosure of the same could impact Kentucky Frontier's position in the market by providing competitors insight into Kentucky Frontier's financial position, strength, and capabilities.²³

Having considered the motion and the material at issue, the Commission finds that Kentucky Frontier's November 19, 2025 motion for confidential treatment should be granted. The response to Item 1 should be confidential indefinitely under KRS 61.878(1)(m) because it reveals the location of public utility critical infrastructure. The response to Items 23, 24, and 26 should be granted confidential treatment pursuant to KRS 61.878 (1)(c)(1) and KRS 61.878(1)(k) for an indefinite period of time.

ATTORNEY GENERAL'S NOVEMBER 25, 2025 MOTION

In support of its November 25, 2025 motion for leave to file testimony and to amend the procedural schedule, the Attorney General argued that the procedural schedule needed to be amended to allow for the written testimony of an expert witness following Kentucky Frontier's filing of responses to supplemental data requests.²⁴ The Attorney General proposed an amended schedule.

Having considered the motion and the material at issue, the Commission grants the motion for leave to file testimony and amends the procedural schedule as set forth in the Appendix to this Order. Any terms of the procedural schedule dated September 19, 2025, not in conflict with this Order should remain in full effect. While the Commission finds that the procedural schedule should be amended, the Commission has reviewed

²² November 19, 2025 Motion at 3.

²³ November 19, 2025 Motion at 3.

²⁴ Attorney General's Motion for Leave to File Testimony and to Amend the Procedural Schedule (filed Nov. 25, 2025) (November 25, 2025 Motion) at 1.

the proposed dates and declines to accept the dates as proposed. The Commission wants to ensure that all parties have ample time to review the record and submit testimony and finds that it should reschedule the hearing date. Accordingly, the Commission, on its own motion, finds that the January 27, 2026 hearing date be canceled and reschedule for February 3, 2026. Any terms from the hearing Order dated October 21, 2025, not in conflict with this Order should remain in full effect.

IT IS THEREFORE ORDERED that:

1. The Attorney General's motion of November 25, 2025, is granted, in part, and denied, in part.
2. The Attorney General's motion to amend the procedural schedule is granted.
3. The Attorney General's proposed procedural schedule is denied.
4. The procedural schedule set forth on September 19, 2025, is amended and attached as an Appendix to this Order.
5. Any portion of the procedural schedule dated September 19, 2025, not in conflict with this Order shall remain in effect.
6. The formal hearing scheduled for January 27, 2026, is canceled.
7. A formal hearing in this matter shall be held on February 3, 2026.
8. Any portion of the hearing Order dated October 21, 2025, not in conflict with this Order shall remain in full effect.
9. Kentucky Frontier's October 17, 2025 motion for confidential treatment for Staff's First Request, Items 7 and 9 is granted.

10. The response to Item 7 shall remain confidential for five years and the response to Item 9 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.

11. Kentucky Frontier's November 19, 2025 motion for confidential treatment for the Attorney General's First Request, Items 1, 23, 24, and 26, is granted.

12. The response to Items 1, 23, 24, and 26, is granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for indefinitely or until further order of this Commission.

13. 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).

14. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Kentucky Frontier shall inform the Commission and file with the Commission an unredacted copy of the designated material.

15. 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, 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 Kentucky Frontier is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

16. The Commission shall not make the requested material for which confidential treatment was granted 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 Kentucky Frontier to seek a remedy afforded by law.


17. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

18. If Kentucky Frontier objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials shall be granted confidential treatment.


19. Within 30 days of the date of service of this Order, Kentucky Frontier shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

20. The designated material for which Kentucky Frontier's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow Kentucky Frontier to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



Case No. 2025-00277

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00277 DATED DEC 4 2025

All supplemental requests for information to
Kentucky Frontier shall be filed no later than 12/05/2025

Kentucky Frontier shall file responses to supplemental
requests for information no later than 12/12/2025

Intervenor testimony, if any, in verified prepared
form shall be filed no later than 12/19/2025

All requests for information to intervenors shall
be filed no later than 01/09/2026

Intervenors shall file responses to requests for
information no later than 01/16/2026

Kentucky Frontier shall file, in verified form, its rebuttal
testimony no later than 01/23/2026

Public hearing to be held at 9 a.m. Eastern Standard Time in the
Richard Raff Hearing Room at the offices of the Public
Service Commission at 211 Sower Boulevard, Frankfort,
Kentucky, for the purpose of cross-examination of
witnesses of Kentucky Frontier and intervenors 02/03/2026

Post-hearing briefs, if any To Be Scheduled