

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)	2025-00277
AND OTHER GENERAL RELIEF)	

ORDER

On January 30, 2026, Kentucky Frontier Gas, LLC (Kentucky Frontier) filed Corrected Rebuttal Testimony with an accompanying motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for specified information for an indefinite period. On February 16, 2026, Kentucky Frontier filed a response to Commission Staff's (Staff) Post-Hearing Request for Information (Staff's Post-Hearing Request) that also was accompanied with a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for specified information.

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."¹ Exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.² The

¹ KRS 61.872(1).

² KRS 61.871.

party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.³

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 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.”⁴ 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.⁵

A terrorist act is defined as including a criminal act intended to “[d]isrupt a system” identified in the above.⁶

³ 807 KAR 5:001, Section 13(2)(c).

⁴ KRS 61.878(1)(m)(1).

⁵ KRS 61.878(1)(m)(1)(f).

⁶ KRS 61.878(1)(m)(2)(b).

KENTUCKY FRONTIER'S JANUARY 30, 2026 MOTION

Kentucky Frontier submitted corrected testimony and included information that had been submitted in response to a previous request for information.⁷ Kentucky Frontier requested confidential treatment for its response to Commission Staff's First Request for Information (Staff's First Request), Item 9. By Order dated December 2, 2025, the Commission granted this request for confidential treatment for an indefinite period.

Having considered the January 30, 2026, motion and the material at issue, the Commission reaffirms its earlier findings that Kentucky Frontier's motion for confidential treatment should be granted and remain confidential indefinitely. 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.⁸

KENTUCKY FRONTIER'S FEBRUARY 16, 2026 MOTION

Kentucky Frontier requested confidential treatment for its response to Commission Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request), Item 2, which Kentucky Frontier alleged contains the same information that was included in Kentucky Frontier's response to Staff's First Request, Item 9, and in Kentucky Frontier's Corrected Rebuttal Testimony. Kentucky Frontier requests confidential treatment of the job titles and job descriptions of employees pursuant to KRS 61.878(1)(a) and KRS 61.878(1)(c)(1).

⁷ Kentucky Frontier's Corrected Rebuttal Testimony (filed Jan. 30, 2026).

⁸ 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.

Kentucky Frontier argued that its response to Staff's Post-Hearing Request, Item 16, includes an exhibit for its insurance proposal, the name of the insurance companies as well as the premiums being paid for the insurance coverage should receive confidential treatment. Kentucky Frontier asserted that disclosure would permit an unfair commercial advantage to third parties and present an unnecessary and unreasonable infringement upon Kentucky Frontier's privacy concerns.

Having considered the February 16, 2026, motion and the material at issue, the Commission finds job titles and descriptions alone do not warrant confidential treatment. The response to Staff's Post-Hearing Request, Item 2, contains no named employees or salaries and as such would not constitute an invasion of privacy. There is no prohibition pursuant to KRS 61.878(1)(a) because there is no information of a "personal nature."

Regarding Kentucky Frontier's response to Post-Hearing Request, Item 16, which includes an exhibit for its insurance proposal, the name of the insurance companies as well as the premiums being paid for the insurance coverage, the Commission agrees the information should receive confidential treatment. However, it should remain confidential for five years pursuant to KRS 61.878(1)(c)(1), not indefinitely, disclosure could negatively affect Kentucky Frontier's ability to negotiate for insurance policies in the future.

IT IS THEREFORE ORDERED that:

1. Kentucky Frontier's January 30, 2026 motion for confidential treatment of its response to Staff's First Request for Information, Item 9, provided in Corrected Rebuttal Testimony is granted pursuant to KRS 61.878(1)(a).
2. Kentucky Frontier's February 16, 2026 motion for confidential treatment is granted, in part, and denied, in part, as follows:

a. The request as to response to Commission Staff's Post-Hearing Request, Item 2, is denied; and

b. The request as to response to Staff's Post-Hearing Request, Item 16, is granted pursuant to KRS 61.878(1)(c)(1).

3. Kentucky Frontier's petition for confidential treatment for all other material not covered by ordering paragraph 2 is denied.

4. Kentucky Frontier's January 30, 2026 motion for confidential treatment of its response to Staff's First Request, Item 9, shall not be placed in the public record or made available for public inspection for an indefinite period.

5. Kentucky Frontier's February 16, 2026 motion for confidential treatment of its response to Staff's Post-Hearing Request, Item 16, shall not be placed in the public record or made available for public inspection for five years or until further order of this Commission.

6. 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).

7. 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.

8. 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 should be granted confidential treatment.

9. Within 20 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.

10. 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 in order to allow Kentucky Frontier to seek a remedy afforded by law.

11. 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.

12. 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, Kentucky Frontier 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.

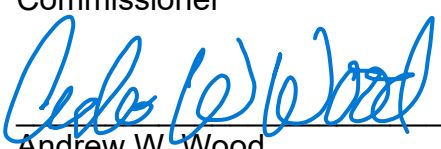
13. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Kentucky Frontier to seek a remedy afforded by law.

Entered on this 28th day of May, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair

Mary Pat Regan
Commissioner

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Case No. 2025-00277

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