

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ATMOS ENERGY)
CORPORATION FOR AN ADJUSTMENT) CASE NO. 2013-00148
OF RATES AND TARIFF MODIFICATIONS)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On September 25, 2013, Atmos Energy Corporation ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the information it is requesting to be held confidential is contained in its Responses to the September 11, 2013 Commission's Third Set of Requests for Information, Items 3-06 and 3-22, and that the information sought is commercial information that, if disclosed, could cause substantial competitive harm to Movant, and that this information is not publicly available, and that it would be difficult or impossible for someone to discover this information from other sources. Movant also states that certain information refers to specific customer information and disclosure would invade the privacy rights of the customers involved.

More particularly, the information it is requesting to be held confidential is described as Item 3-06, which seeks customer information, including the names of customers and their usage, contract terms, correspondence and related information. Movant states that disclosing these details would allow Movant's competitors, as well as competitors of those customers, information that could be used to negotiate favorable

terms for themselves and to develop marketing strategies, harmful to Movant or those specific customers. With the identity of the customer and the knowledge of the monetary and service terms, competitors would have information that would enable them to target customers in an effort to entice them to switch service. Movant has openly disclosed the information sought, with only the identities of the specific customers held confidential.

Item 3-22 refers to a presentation made to the company's Management Committee regarding the Customer Service System ("CSS") and relates to contract negotiations and documents, forecasted and actual cost analyses, due diligence documents, and other highly sensitive matters. This information contains internal strategies for negotiating the contracts, the internal costs and analyses of savings, as well as other related accounting and financial information. Movant states that disclosure of this information would provide competitors with Movant's operational strategies and would give potential vendors information as to the company's negotiating methods. The information Movant seeks to remain confidential is also contained in its Response to the Office of the Attorney General's Data Request No. 1-97, which the Commission previously afforded confidential treatment.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite period of time due to the private and proprietary nature of the information requested to be held confidential, the disclosure of which could result in competitive harm to Movant.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.

2. The materials for which Movant seeks confidential treatment shall neither be placed in the public record nor made available for public inspection for an indefinite period of time.

3. Use of the materials in question in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.


5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission

ENTERED
DEC 03 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2013-00148

Honorable John M Dosker
General Counsel
Stand Energy Corporation
1077 Celestial Street
Building 3, Suite 110
Cincinnati, OHIO 45202-1629

Eric Wilen
Project Manager-Rates & Regulatory Affairs
Atmos Energy Corporation
5420 LBJ Freeway, Suite 1629
Dallas, TEXAS 75420

Gregory T Dutton
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

Jennifer B Hans
Assistant Attorney General's Office
1024 Capital Center Drive, Ste 200
Frankfort, KENTUCKY 40601-8204

Honorable Dennis G Howard II
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

Honorable John N Hughes
Attorney at Law
124 West Todd Street
Frankfort, KENTUCKY 40601

Mark R Hutchinson
Wilson, Hutchinson & Poteat
611 Frederica Street
Owensboro, KENTUCKY 42301

Heather Napier
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204