

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of a General Investigation into )  
the Confidential Status of Certain Documents ) Docket No. 24-GIMX-376-GIV  
Related to Costs Incurred During Winter Storm )  
Uri. )

**NOTICE OF FILING OF EXHIBIT OF ATMOS ENERGY CORPORATION  
("ATMOS"), IN THE RAILROAD COMMISSION OF TEXAS, CASE NO. 00007062,  
DATED JULY 30, 2021 – DIRECT TESTIMONY OF KENNETH M. MALTER –  
EXHIBIT KMM-1, LISTING FOR FEBRUARY 2021: (1) THE SUPPLIER IDENTITY  
OF 50 NATURAL GAS SUPPLIERS FOR ATMOS FOR EACH DAY OF FEBRUARY  
2021, AND (2) THE AMOUNT PAID TO EACH SUPPLIER FOR NATURAL GAS  
PURCHASED FOR EACH DAY IN FEBRUARY 2021**

COMES NOW James P. Zakoura ("Requestor") and respectfully files the following:

“Notice of Filing of Exhibit of Atmos Energy Corporation (“Atmos”), in the Railroad Commission of Texas, Case No. 00007062, Dated July 30, 2021 – Direct Testimony of Kenneth M. Malter – Exhibit KMM-1, listing for February 2021: (1) the Supplier Identity of 50 Natural Gas Suppliers for Atmos for each Day of February 2021, and (2) the Amount Paid to each Supplier For Natural Gas Purchased for Each Day in February 2021”

and states to the State Corporation Commission of the State of Kansas ("Commission" or "KCC") as follows:

1. On July 30, 2021, Kenneth M. Malter, in a “public” filing, presented filed Direct Testimony, before the Railroad Commission of Texas, in Case No. 00007062.
2. At Exhibit KMM-1 of the sworn Testimony of Mr. Malter, in Case No. 00007062, dated July 30, 2021, Mr. Malter. (**Exhibit No. 1**)
  - (i) “publicly” identified each of the 50 natural gas suppliers to Atmos in Texas in February 2021, and
  - (ii) “publicly” provided, for each of such 50 natural gas suppliers,

(iii) the specific dollar amount purchased, for each day of February 2021, by each of such 50 natural gas suppliers, to Atmos in Texas. **(Exhibit No. 1)**

3. On October 24, 2023, Atmos filed its Response to the Kansas Open Records Act (“KORA”) request of the Requestor. **(Exhibit No. 2)**

4. In the Affidavit of Kenneth M. Malter, filed as a part of the Atmos Response in Kansas to the KORA Request, **(Exhibit No. 2)** Mr. Mahler offers sworn Testimony, in pertinent part, as follows:

10. . . . “If the details of any element of Atmos Energy’s gas purchasing strategy, for example, the number of suppliers, names of suppliers, . . . are required to be made public and other participants in the natural gas commodity market are not required to make similar disclosures to the public, then such would place Atmos Energy at a competitive disadvantage compared to those participants who are not required to disclose elements of their gas purchasing or gas sales strategies to the public.

12. . . . If the Commission were to require Atmos Energy to disclose all gas suppliers . . . then all of the participants in the natural gas commodity market (both suppliers and other purchasers) would have access to that information.

5. Counsel for Atmos, Mr. Flaherty, stated on October 24, 2023, **(Exhibit No. 2)** at page 2, in part as follows:

Mr. Malter explains how the natural gas commodity industry is an unregulated and highly competitive market. He explains how maintaining the confidentiality of each element of a gas purchasing strategy, such as historical gas supply invoices, is absolutely necessary to ensure equal bargaining positions between the different participants involved in the natural gas commodity industry are maintained and how requiring Atmos Energy to publicly disclose any elements of its gas purchasing strategy will eliminate Atmos Energy's equal bargaining position.

6. The attached Affidavit of Kenneth M. Malter filed at the KCC in response to the KORA Request **(Exhibit No. 2)**, and the statements of Mr. Flaherty in response to the KORA Request **(Exhibit No. 2)**, are inconsistent and are completely at odds with the sworn Testimony

of Mr. Malter in his Direct Testimony, dated July 30, 2021, before the Railroad Commission of Texas, in Case No. 00007062. **(Exhibit No. 1.)**

7. On November 13, 2023, Requestor, in his “Request for Reconsideration and Clarification” of the "ORDER ON PETITION FOR RECONSIDERATION" filed in this Docket (KCC Docket No. 24-GIMX0376-GIV), stated as follows, at page 6:

“The Commission Can Preserve the KCPA Claims of 850,000 Retail Ratepayers, with No Adverse Effect on any Utility, By Simply Ordering the Utilities to List the Suppliers' by Name and the Amount Paid to Each Such Supplier-An Identical Action Voluntarily Made by Kansas Gas Service Company on July 30, 2021.”

8. The category of information requested by the Requestor, has been made “public” by Atmos on July 30, 2021 – 28 months ago – at the Railroad Commission of Texas, Case No. 00007062 – Direct Testimony of Kenneth M. Malter – Exhibit KMM-1 **(Exhibit No. 1).**

Respectfully submitted,

/s/ James P. Zakoura

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was electronically filed with the Kansas Corporation Commission on November 27, 2023, and that one copy was delivered electronically to all parties on the service list as follows:

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**CASE NO. 00007062**

<b>ATMOS ENERGY CORP., MID-TEX</b>	<b>§</b>	<b>BEFORE THE</b>
<b>DIVISION AND WEST TEXAS</b>	<b>§</b>	
<b>DIVISION, APPLICATION FOR</b>	<b>§</b>	<b>RAILROAD COMMISSION</b>
<b>CUSTOMER RATE RELIEF AND</b>	<b>§</b>	
<b>RELATED REGULATORY ASSET</b>	<b>§</b>	<b>OF TEXAS</b>
<b>DETERMINATION</b>	<b>§</b>	

**DIRECT TESTIMONY**

**OF**

**KENNETH M. MALTER**

**ON BEHALF OF**

**ATMOS ENERGY CORPORATION**

**July 30, 2021**

***Exhibit 1***



1                                   **I. INTRODUCTION AND QUALIFICATIONS**

2   **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

3   A. My name is Kenneth M. Malter. My business address is 1100 Poydras Street,  
4       Suite 3400, New Orleans, LA 70163.

5   **Q. BY WHOM ARE YOU EMPLOYED AND WHAT IS YOUR POSITION?**

6   A. I am the Director of Gas Supply and Services for Atmos Energy Corporation  
7       ("Atmos Energy" or the "Company").

8   **Q. PLEASE SUMMARIZE YOUR RESPONSIBILITIES.**

9   A. I am responsible for the department that is tasked with the procurement and  
10       administration of gas supply and transportation services for the entire Company.

11   **Q. PLEASE DESCRIBE YOUR EDUCATION AND PROFESSIONAL**  
12       **QUALIFICATIONS.**

13   A. I graduated from Louisiana State University with a BS in finance in 1989. I also  
14       completed a master's degree in business administration from Tulane University in  
15       1995. I have worked in various positions at Atmos Energy involving natural gas  
16       markets for the past 23 years.

17   **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE ANY REGULATORY**  
18       **COMMISSIONS?**

19   A. Yes, I have previously testified before the Mississippi Public Service Commission  
20       and the Kansas Corporation Commission on Gas Supply related matters.

STATE OF LOUISIANA §  
§  
PARISH OF JEFFERSON §

AFFIDAVIT OF KENNETH M. MALTER

BEFORE ME, the undersigned authority, on this day personally appeared Kenneth M. Malter who having been placed under oath by me did depose as follows:

1. "My name is Kenneth M. Malter. I am over the age of eighteen (18) and fully competent to make this affidavit. I am employed as Director of Gas Supply and Services for Atmos Energy Corporation. The facts stated herein are true and correct based upon my personal knowledge.

2. I have prepared the foregoing Direct Testimony and the information contained in this document is true and correct to the best of my knowledge."

Further affiant sayeth not.



\_\_\_\_\_  
Kenneth M. Malter

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kenneth M. Malter on this 25<sup>th</sup> day of July 2021.



\_\_\_\_\_  
Notary Officer

Title: NOTARY

Notary ID Number: 20136

MARIA C. CANGEMI  
NOTARY PUBLIC  
LOUISIANA BAR NO. 20136  
My Commission Is for Life.

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## **LIST OF EXHIBITS**

- |                            |   |
|----------------------------|---|
| EXHIBIT KMM-1              | Shows the per day amounts spent on natural gas during February 2021 for the Mid-Tex Division and WTX Division by counterparty                 |
| EXHIBIT KMM-2              | Shows the Baseload and other nominations made by the Company during February 2021, as well as what quantity of nominations were not delivered |
| CONFIDENTIAL EXHIBIT KMM-3 | Shows the index prices for relevant indices for February 2021   |
| EXHIBIT KMM-4              | Contains the Affidavit of Shawn M. Audibert on behalf of Trans Louisiana Gas Pipeline, Inc.   |

Exhibit No. KMM-1 shows the amounts spent on natural gas commodity during the period of interest in February 2021 by counterparty by each day.

MidTex Gas Purchases

(does not include amount paid for purchase demand, storage demand and variable, transport demand and variable, sell backs)

Sum of AMOUNT	Column Labels									
Row Labels	2/1/2021	2/2/2021	2/3/2021	2/7/2021	2/8/2021	2/9/2021	2/10/2021	2/11/2021	2/12/2021	
ARM Energy Management LLC	\$41,850.00	\$41,850.00	\$41,850.00	\$41,850.00	\$41,850.00	\$41,850.00	\$107,250.00	\$133,050.00	\$262,550.00	
Bedrock Production, LLC	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	
BP Energy Company										
Castleton Commodities Merchant Trading L.P.	\$248,880.00	\$252,555.00	\$235,000.00	\$294,250.00	\$294,250.00	\$328,850.00	\$402,790.00	\$565,380.00	\$1,638,550.00	
Clima Energy, LP	\$44,356.25	\$58,331.25	\$18,656.25	\$67,776.25	\$67,776.25	\$49,906.25	\$157,451.25	\$477,997.25	\$1,314,647.25	
Cokinos Energy Corporation										
COLT MIDSTREAM LLC	\$166.59	\$129.11	\$62.47	\$129.11	\$162.43	\$299.87	\$387.33	\$449.80	\$478.95	
Concord Energy LLC	\$69,550.00	\$6,463.00		\$86,840.00	\$86,840.00	\$132,800.00	\$261,490.00	\$799,657.50	\$2,538,400.00	
ConocoPhillips Company	\$152,670.00	\$133,200.00	\$106,850.00	\$155,070.00	\$155,070.00	\$152,355.00	\$224,275.00	\$350,298.38	\$525,769.21	
Continental Resources, Inc.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,200.00	\$372,750.00	
Cross Stream LLC	\$12,900.00	\$12,900.00	\$12,900.00	\$12,900.00	\$12,900.00	\$12,900.00	\$12,900.00	\$12,900.00	\$12,900.00	
ECO ENERGY NATURAL GAS LLC	\$82,860.00	\$44,910.00	\$37,125.00	\$49,405.00	\$49,405.00	\$46,500.00	\$76,105.00	\$208,175.00	\$443,600.00	
EDF Trading North America, LLC										
ENGIE Energy Marketing NA, Inc.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$71,100.00	\$168,225.00	
EnLink Gas Marketing LP	\$261,125.00	\$263,150.00	\$265,550.00	\$287,800.00	\$287,800.00	\$287,400.00	\$319,850.00	\$330,150.00	\$983,150.00	
Enterprise Products Operating LLC										
EOG Resources, Inc.	\$65,500.00	\$65,500.00	\$65,500.00	\$65,500.00	\$65,500.00	\$65,500.00	\$65,500.00	\$65,500.00	\$65,500.00	
ETC Marketing, LTD	\$12,600.00	\$7,785.00	\$0.00	\$31,150.00	\$31,150.00	\$15,625.00	\$22,575.00	\$165,450.00	\$1,371,150.00	
Exelon Generation Company, LLC	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$327,000.00	\$810,750.00	
HARTREE PARTNERS, L.P.										
Hydrocarbon Exchange Corporation	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	
Kinder Morgan Texas Pipeline LLC	\$86,550.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,100.00	\$341,625.00	\$825,375.00	
Koch Energy Services, LLC	\$20,160.00	\$12,975.00	\$0.00	\$27,630.00	\$27,630.00	\$34,375.00	\$146,525.00	\$175,140.00	\$278,740.00	
Mercuria Energy America, LLC	\$41,400.00	\$41,400.00	\$41,400.00	\$56,750.00	\$56,750.00	\$57,025.00	\$57,475.00	\$41,400.00	\$360,775.00	
MIDCOAST MARKETING (U.S.) L.P.	\$51,500.00	\$54,200.00	\$28,700.00	\$64,800.00	\$64,800.00	\$64,400.00	\$64,200.00	\$38,150.00		
MIECO LLC	\$18,675.00	\$18,675.00	\$18,675.00	\$18,675.00	\$18,675.00	\$18,675.00	\$38,085.00	\$54,995.00	\$606,375.00	
Navitas Midstream Midland Basin LLC	\$124,125.00	\$112,000.00	\$112,000.00	\$127,450.00	\$127,450.00	\$112,000.00	\$176,700.00	\$157,200.00	\$242,556.50	
NJR Energy Services Company										
Oasis Pipe Line Company Texas, LP										
Occidental Energy Marketing Inc	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$132,300.00	\$325,800.00	
Penn Oak Services, LLC	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	
Pioneer Natural Resources USA Inc							\$16,325.00	\$95,494.00		
Repsol Energy North America Corporation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$48,600.00	\$40,548.00	\$162,150.00	
Sequent Energy Management, L.P.	\$74,950.00	\$88,850.00	\$49,400.00	\$61,680.00	\$61,680.00	\$58,880.00	\$81,800.00	\$150,300.00	\$407,905.00	
Southwest Energy, L.P.	\$77,575.00	\$109,590.00		\$120,240.00	\$120,240.00	\$39,840.00	\$129,090.00	\$131,410.00	\$253,625.00	
Spotlight Energy, LLC	\$7,560.00			\$12,320.00	\$12,320.00	\$9,405.00	\$16,125.00			
Symmetry Energy Solutions, LLC	\$140,385.00	\$49,250.00	\$27,897.50	\$55,550.00	\$55,550.00	\$35,660.00	\$186,300.00	\$338,825.00	\$601,943.00	
Targa Gas Marketing LLC	\$136,120.00	\$133,975.00	\$121,000.00	\$121,000.00	\$121,000.00	\$121,000.00	\$140,530.00	\$166,900.00	\$121,000.00	
Tenaska Gas Storage, LLC	\$144,890.00	\$118,510.00	\$96,950.00	\$141,620.00	\$141,620.00	\$131,955.00	\$243,575.00	\$323,950.00	\$1,711,050.00	
Total Gas & Power North America Inc				\$62,350.00	\$62,350.00				\$195,000.00	
Trans Louisiana Gas Pipeline, Inc.										
Twin Eagle Resource Management, LLC	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$101,700.00	\$443,500.00	\$1,889,450.00	
VITOL INC.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$64,500.00	\$100,400.00	\$322,800.00	
Wells Fargo Commodities LLC	\$27,285.00	\$28,662.00		\$9,686.00	\$9,686.00	\$9,628.00	\$33,762.00	\$40,969.00	\$60,260.93	
WPX ENERGY MARKETING, LLC	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	
WWM Logistics, LLC										
XTO Energy, Inc.	\$2,232.00	\$2,232.00	\$2,232.00	\$2,232.00	\$2,232.00	\$2,232.00	\$2,232.00	\$2,232.00	\$2,232.00	
<b>Grand Total</b>	<b>\$2,061,789.84</b>	<b>\$1,773,017.36</b>	<b>\$1,397,673.22</b>	<b>\$2,090,578.36</b>	<b>\$2,090,611.68</b>	<b>\$1,944,986.12</b>	<b>\$3,364,122.58</b>	<b>\$6,448,570.93</b>	<b>\$18,991,382.84</b>	

West Texas Gas Purchases

(does not include amount paid for cashin/cashouts, storage demand and variable, transport demand and variable, penalties, AMA Fee)

Sum of AMOUNT	Column Labels											
Row Labels	02/01	02/02	02/03	02/07	02/08	02/09	02/10	02/11	02/12			
Dacott Industries Inc	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23
HARTREE PARTNERS, L.P.	\$ 278,000.22	\$ 223,845.93	\$ 187,115.38	\$ 368,220.29	\$ 368,220.29	\$ 351,667.64	\$ 659,103.36	\$ 877,860.17	\$ 1,905,761.74			
WTG Gas Marketing Inc	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19
<b>Grand Total</b>	<b>\$ 286,940.63</b>	<b>\$ 232,786.34</b>	<b>\$ 196,055.79</b>	<b>\$ 377,160.70</b>	<b>\$ 377,160.70</b>	<b>\$ 360,608.05</b>	<b>\$ 668,043.77</b>	<b>\$ 886,800.58</b>	<b>\$ 1,914,702.15</b>			

Sum of AMOUNT									
Row Labels	2/13/2021	2/14/2021	2/15/2021	2/16/2021	2/17/2021	2/18/2021	2/19/2021	2/20/2021	
ARM Energy Management LLC	\$3,655,450.00	\$2,710,200.00	\$2,710,200.00	\$0.00	\$0.00	\$802,060.26	\$1,449,855.42	\$108,431.61	
Bedrock Production, LLC	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	\$8,661.25	\$8,661.25	\$17,322.50	\$20,653.75	
BP Energy Company					\$10,916,600.00	\$5,287,500.00	\$2,012,067.50	\$198,400.00	
Castleton Commodities Merchant Trading L.P.	\$18,077,000.00	\$13,067,793.27	\$6,308,408.52	\$8,719,626.04	\$13,883,374.39	\$14,386,893.18	\$5,334,709.85	\$186,350.00	
Cima Energy, LP	\$19,201,694.37	\$15,907,645.63	\$10,412,111.44	\$7,388,933.31	\$11,963,590.26	\$6,638,332.44	\$1,795,305.87	\$430,667.25	
Cokinoss Energy Corporation	\$1,504,337.50	\$1,504,337.50	\$1,504,337.50	\$1,504,337.50					
COLT MIDSTREAM LLC	\$466.46	\$541.42	\$287.37	\$570.58	\$483.12	\$483.12	\$354.01	\$216.57	
Concord Energy LLC	\$19,751,275.00	\$22,251,275.00	\$10,908,700.00	\$16,196,200.00	\$24,223,400.00	\$7,671,320.00			
ConocoPhillips Company	\$5,432,135.94	\$5,398,052.70	\$3,889,082.08	\$3,324,146.88	\$6,206,579.57	\$10,369,149.67	\$1,498,855.68	\$303,300.00	
Continental Resources, Inc.	\$2,048,850.00	\$1,968,316.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$83,764.62	
Cross Stream LLC	\$12,900.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
ECO ENERGY NATURAL GAS LLC	\$4,658,158.79	\$3,137,753.07	\$1,479,103.18	\$1,322,883.06	\$0.00	\$13,884.75	\$999,804.45	\$107,625.00	
EDF Trading North America, LLC					\$7,382,800.00		\$693,200.00		
ENGIE Energy Marketing NA, Inc.	\$2,712,900.00	\$2,712,900.00	\$1,643,836.54	\$1,259,147.32	\$0.00	\$0.00	\$0.00	\$0.00	
EnLink Gas Marketing LP	\$8,301,050.00	\$6,716,672.80	\$631,417.55	\$4,496,148.90	\$98,610.05	\$82,545.45	\$120,452.00	\$216,200.00	
Enterprise Products Operating LLC	\$8,975,000.00	\$8,975,000.00	\$1,968,810.00	\$1,968,460.00	\$12,500,000.00	\$10,500,000.00	\$3,678,528.00		
EOG Resources, Inc.	\$65,500.00	\$65,500.00	\$65,500.00	\$183,724.88	\$242,835.56	\$218,703.70	\$209,600.00	\$196,500.00	
ETC Marketing, LTD	\$2,647,250.00	\$2,647,250.00	\$2,380,550.00	\$2,038,503.02	\$4,765,600.00	\$283,044,450.00	\$48,884,050.00	\$1,223,750.00	
Exelon Generation Company, LLC	\$11,314,375.00	\$11,314,375.00	\$11,314,375.00	\$136,000.00	\$3,500,000.00	\$18,337,500.00	\$4,824,000.00	\$351,000.00	
HARTREE PARTNERS, L.P.	\$6,280,000.00	\$5,704,000.00	\$5,344,000.00	\$5,470,000.00	\$8,060,000.00	\$13,500,000.00		\$30,772.16	
Hydrocarbon Exchange Corporation	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$7,473.56	
Kinder Morgan Texas Pipeline LLC	\$11,193,000.00	\$11,193,000.00	\$12,969,400.00	\$72,477,400.00	\$91,839,725.00	\$68,131,424.00	\$6,963,625.00	\$2,615,625.00	
Koch Energy Services, LLC	\$2,546,675.00	\$2,544,074.36	\$2,704,500.00	\$3,485,508.80	\$8,166,038.18	\$6,429,585.82	\$789,250.00	\$415,500.00	
Mercuria Energy America, LLC	\$662,950.00	\$451,102.06	\$609,336.19	\$621,550.00	\$1,136,125.00	\$1,106,425.00	\$352,000.00	\$146,650.00	
MIDCOAST MARKETING (U.S.) L.P.									
MIECO LLC	\$7,702,875.00	\$5,144,756.07	\$3,539,649.89	\$2,321,243.14	\$12,963,085.00	\$5,278,415.00	\$429,936.43	\$127,875.00	
Navitas Midstream Midland Basin LLC	\$1,346,920.49	\$52,653.44	\$0.00	\$0.00	\$0.00	\$0.00	\$13,440.00	\$62,720.00	
NJR Energy Services Company					\$0.00	\$0.00	\$1,286,400.00		
Oasis Pipe Line Company Texas, LP		\$1,530,525.99							
Occidental Energy Marketing Inc	\$4,472,850.00	\$2,187,372.74	\$0.00	\$266,880.05	\$2,528,338.41	\$3,962,443.65	\$1,306,711.00	\$106,037.14	
Penn Oak Services, LLC	\$6,925.00	\$0.00	\$0.00	\$0.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	
Pioneer Natural Resources USA Inc					\$3,237,706.53	\$3,740,459.54	\$65,071.76		
Repsol Energy North America Corporation	\$2,235,675.00	\$2,235,675.00	\$2,235,675.00	\$0.00	\$0.00	\$0.00	\$964,800.00	\$0.00	
Sequent Energy Management, L.P.	\$4,092,575.00	\$3,174,422.00	\$3,174,422.00	\$3,174,422.00	\$8,078,400.00	\$5,000,700.00	\$1,510,411.00	\$375,481.00	
Southwest Energy, L.P.	\$1,548,300.00	\$1,207,738.02	\$1,554,289.84	\$1,527,965.66	\$472,500.00	\$16,660,932.00	\$420,000.00		
Spotlight Energy, LLC									
Symmetry Energy Solutions, LLC	\$14,190,200.00	\$13,123,387.84	\$9,443,054.82	\$9,848,932.24	\$9,885,087.50	\$6,732,487.50	\$3,226,200.00	\$6,950.00	
Targa Gas Marketing LLC	\$121,000.00	\$57,049.08	\$48,400.00	\$48,400.00	\$16,698,130.12	\$8,158,121.40	\$238,306.19	\$700,800.00	
Tenaska Gas Storage, LLC	\$7,550,718.43	\$5,999,158.76	\$6,960,587.77	\$6,362,265.09	\$31,488,756.02	\$1,043,550.00	\$772,950.00	\$310,150.00	
Total Gas & Power North America Inc	\$8,752,880.00	\$8,752,880.00	\$4,381,420.00	\$4,381,420.00					
Trans Louisiana Gas Pipeline, Inc.	\$413,791.99	\$703,450.63	\$932,633.61	\$927,253.85	\$587,123.87	\$837,545.88	\$591,519.33	\$975,805.18	
Twin Eagle Resource Management, LLC	\$35,049,250.00	\$32,465,750.00	\$29,975,000.00	\$21,935,393.99	\$43,386,349.92	\$34,530,040.80	\$9,670,500.00	\$475,500.00	
VITOL INC.	\$4,818,250.00	\$4,725,790.23	\$3,272,100.00	\$3,272,100.00	\$8,077,900.00	\$5,000,200.00	\$1,360,300.00	\$202,300.00	
Wells Fargo Commodities LLC	\$126,800.03	\$126,800.03	\$406,565.03	\$126,800.03	\$1,467,937.50	\$870,258.31	\$157,390.10		
WPX ENERGY MARKETING, LLC	\$69,500.00	\$69,500.00	\$24,600.22	\$0.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	
WWM Logistics, LLC					\$9,215,155.44	\$4,765,973.08	\$94,189.53	\$60,763.36	
XTO Energy, Inc.	\$2,232.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
<b>Grand Total</b>	<b>\$221,581,211.00</b>	<b>\$199,866,199.08</b>	<b>\$142,831,853.55</b>	<b>\$184,825,716.34</b>	<b>\$353,070,167.69</b>	<b>\$543,199,320.80</b>	<b>\$101,820,380.62</b>	<b>\$10,123,686.20</b>	

West Texas Gas Purchases  
(does not include amount paid for cashin/cashouts, st

Sum of AMOUNT										
Row Labels	02/13	02/14	02/15	02/16	02/17	02/18	02/19	02/20		
Dacott Industries Inc	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23
HARTREE PARTNERS, L.P.	\$ 36,821,012.24	\$ 45,691,211.28	\$ 31,998,689.01	\$ 74,948,819.61	\$ 69,759,839.12	\$ 17,964,732.60	\$ 1,912,388.30	\$ 971,410.53		
WTG Gas Marketing Inc	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19		
<b>Grand Total</b>	<b>\$ 36,829,952.65</b>	<b>\$ 45,700,151.69</b>	<b>\$ 32,007,629.42</b>	<b>\$ 74,957,760.02</b>	<b>\$ 69,768,779.53</b>	<b>\$ 17,973,673.01</b>	<b>\$ 1,921,328.71</b>	<b>\$ 980,350.94</b>		

Sum of AMOUNT									
Row Labels	2/21/2021	2/22/2021	2/23/2021	2/24/2021	2/25/2021	2/26/2021	2/27/2021	2/28/2021	Grand Total
ARM Energy Management LLC	\$107,603.28	\$110,469.06	\$41,850.00	\$41,850.00	\$41,850.00	\$41,850.00	\$41,850.00	\$41,850.00	\$12,784,869.63
Bedrock Production, LLC	\$20,653.75	\$20,653.75	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	\$26,650.00	\$682,906.25
BP Energy Company	\$198,400.00	\$198,400.00							\$18,811,367.50
Castleton Commodities Merchant Trading L.P.	\$186,350.00	\$186,350.00	\$260,860.00	\$257,400.00	\$327,112.50	\$235,150.00	\$235,150.00	\$235,150.00	\$86,961,032.75
Cima Energy, LP	\$430,667.25	\$430,667.25	\$49,916.25	\$45,056.25	\$86,106.25	\$45,606.25	\$45,606.25	\$45,606.25	\$77,368,069.57
Coknos Energy Corporation									\$6,017,350.00
COLT MIDSTREAM LLC	\$170.76	\$120.78	\$49.98	\$87.46	\$158.26	\$87.46	\$45.81	\$108.28	\$6,838.61
Concord Energy LLC				\$55,700.00	\$82,200.00	\$51,900.00	\$51,900.00	\$51,900.00	\$105,440,830.50
ConocoPhillips Company	\$303,300.00	\$303,300.00	\$114,965.00	\$140,170.00	\$214,030.00	\$135,250.00	\$135,250.00	\$135,250.00	\$40,317,795.11
Continental Resources, Inc.	\$83,764.62	\$83,764.62	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,691,410.30
Cross Stream LLC	\$0.00	\$0.00	\$12,900.00	\$12,900.00	\$12,900.00	\$12,900.00	\$12,900.00	\$12,900.00	\$245,100.00
ECO ENERGY NATURAL GAS LLC	\$107,625.00	\$107,625.00	\$37,125.00	\$37,125.00	\$56,962.50	\$37,125.00	\$37,125.00	\$37,125.00	\$13,357,729.80
EDF Trading North America, LLC									\$8,076,000.00
ENGIE Energy Marketing NA, Inc.	\$0.00	\$0.00	\$0.00	\$13,325.00	\$26,500.00	\$0.00	\$0.00	\$0.00	\$8,607,933.86
EnLink Gas Marketing LP	\$121,252.80	\$121,320.00	\$271,040.00	\$276,700.00	\$302,250.00	\$272,425.00	\$272,425.00	\$272,425.00	\$26,705,509.55
Enterprise Products Operating LLC									\$48,565,798.00
EOG Resources, Inc.	\$196,500.00	\$196,500.00	\$65,500.00	\$65,500.00	\$65,500.00	\$65,500.00	\$65,500.00	\$65,500.00	\$2,819,864.14
ETC Marketing, LTD	\$1,223,750.00	\$1,223,750.00	\$10,420.00	\$13,200.00	\$12,625.00	\$12,250.00	\$12,250.00	\$12,250.00	\$351,867,583.02
Exelon Generation Company, LLC	\$351,000.00	\$351,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$62,931,375.00
HARTREE PARTNERS, L.P.	\$45,200.00	\$45,200.00							\$44,479,172.16
Hydrocarbon Exchange Corporation	\$7,473.56	\$7,473.56	\$7,473.56	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$12,850.00	\$338,294.24
Kinder Morgan Texas Pipeline LLC	\$2,615,625.00	\$365,625.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$281,713,024.00
Koch Energy Services, LLC	\$415,500.00	\$415,500.00	\$28,100.00	\$28,150.00	\$27,700.00	\$0.00	\$0.00	\$0.00	\$28,779,357.16
Mercuria Energy America, LLC	\$146,650.00	\$146,650.00	\$41,400.00	\$69,550.00	\$41,400.00	\$41,400.00	\$41,400.00	\$41,400.00	\$6,639,123.25
MIDCOAST MARKETING (U.S.) L.P.			\$53,600.00	\$53,700.00	\$52,800.00	\$49,900.00	\$49,900.00	\$49,900.00	\$918,150.00
MIECO LLC	\$127,875.00	\$127,875.00	\$18,675.00	\$44,225.00	\$84,800.00	\$18,675.00	\$18,675.00	\$18,675.00	\$38,834,840.53
Navitas Midstream Midland Basin LLC	\$0.00	\$0.00	\$112,000.00	\$112,000.00	\$112,000.00	\$112,000.00	\$112,000.00	\$112,000.00	\$3,804,140.43
NJR Energy Services Company									\$1,286,400.00
Oasis Pipe Line Company Texas, LP									\$1,530,525.99
Occidental Energy Marketing Inc	\$141,900.00	\$141,900.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,572,532.99
Penn Oak Services, LLC	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$6,925.00	\$173,125.00
Pioneer Natural Resources USA Inc				\$17,885.00	\$23,805.00	\$11,900.00	\$11,900.00	\$11,900.00	\$7,232,446.83
Repsol Energy North America Corporation	\$0.00	\$0.00	\$0.00	\$39,975.00	\$39,675.00	\$0.00	\$0.00	\$0.00	\$8,002,773.00
Sequent Energy Management, L.P.	\$267,618.08	\$299,693.50	\$67,635.00	\$62,600.00	\$64,922.25	\$56,750.00	\$56,750.00	\$56,750.00	\$30,728,416.83
Southwest Energy, L.P.			\$88,960.00	\$91,905.00	\$84,940.00	\$25,950.00	\$25,950.00	\$25,950.00	\$25,018,430.52
Spotlight Energy, LLC									\$89,030.00
Symmetry Energy Solutions, LLC	\$6,950.00	\$6,950.00	\$30,080.00	\$54,920.00	\$150,320.00	\$26,870.00	\$26,870.00	\$26,870.00	\$68,484,095.40
Targa Gas Marketing LLC	\$633,900.00	\$633,900.00	\$121,000.00	\$146,550.00	\$160,675.00	\$121,000.00	\$121,000.00	\$121,000.00	\$29,707,226.79
Tenaska Gas Storage, LLC	\$310,150.00	\$310,150.00	\$127,850.00	\$128,930.00	\$206,445.00	\$116,790.00	\$116,790.00	\$116,790.00	\$65,416,576.07
Total Gas & Power North America Inc									\$26,650,650.00
Trans Louisiana Gas Pipeline, Inc.	\$339,416.40	\$85,354.74							\$6,393,895.48
Twin Eagle Resource Management, LLC	\$475,500.00	\$475,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$210,873,434.71
VITOL INC.	\$202,300.00	\$202,300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$31,621,240.23
Wells Fargo Commodities LLC					\$20,276.00				\$3,563,216.96
WPX ENERGY MARKETING, LLC	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$69,500.00	\$1,831,600.22
WWM Logistics, LLC	\$60,763.36	\$60,763.36							\$14,257,608.13
XTO Energy, Inc.	\$0.00	\$0.00	\$2,232.00	\$2,232.00	\$2,232.00	\$2,232.00	\$2,232.00	\$2,232.00	\$42,408.00
<b>Grand Total</b>	<b>\$9,204,283.86</b>	<b>\$6,735,180.62</b>	<b>\$1,666,706.79</b>	<b>\$1,927,560.71</b>	<b>\$2,416,109.76</b>	<b>\$1,609,435.71</b>	<b>\$1,609,394.06</b>	<b>\$1,609,456.53</b>	<b>\$1,830,241,098.51</b>

West Texas Gas Purchases  
(does not include amount paid for cashin/cashouts, st

Sum of AMOUNT									
Row Labels	02/21	02/22	02/23	02/24	02/25	02/26	02/27	02/28	Grand Total
Dacott Industries Inc	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 35.23	\$ 986.40
HARTREE PARTNERS, L.P.	\$ 931,048.13	\$ 883,732.78	\$ 267,789.92	\$ 372,444.98	\$ 570,690.91	\$ 295,432.35	\$ 295,573.21	\$ 295,573.21	\$ 290,099,851.35
WTG Gas Marketing Inc	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 8,905.19	\$ 249,345.18
<b>Grand Total</b>	<b>\$ 939,988.54</b>	<b>\$ 892,673.19</b>	<b>\$ 276,730.33</b>	<b>\$ 381,385.39</b>	<b>\$ 579,631.32</b>	<b>\$ 304,372.76</b>	<b>\$ 304,372.76</b>	<b>\$ 304,513.62</b>	<b>\$ 290,350,182.93</b>

LAW OFFICES OF  
**ANDERSON & BYRD**  
*A Limited Liability Partnership*

JOHN L. RICHESON  
JAMES G. FLAHERTY  
R. SCOTT RYBURN  
KEITH A. BROCK  
THOMAS H. SACHSE  
DANIEL J. KEATING

ROBERT A. ANDERSON  
(1920-1994)

~ Celebrating 75 Years ~  
1947-2022

RICHARD C. BYRD  
(1920-2008)

October 24, 2023

*Sent by Electronic Mail*

Ms. Lynn Retz  
Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604-4027

Re: Kansas Open Records Act ("KORA") Request  
Docket No. 21-ATMG-333-GIG

Dear Ms. Retz:

Mr. Zakoura requests the Kansas Corporation Commission ("Commission") provide him copies of un-redacted natural gas purchase invoices submitted by Atmos Energy Corporation ("Atmos Energy") to the Commission in Docket No. 21-ATMG-333-GIG ("333 Docket"). The invoices related to natural gas supplies purchased by Atmos Energy during Storm Uri. Atmos Energy designated the redacted information as confidential because public disclosure of the information would cause substantial harm to Atmos Energy's customers by interfering with Atmos Energy's ability to acquire adequate natural gas supplies at a reasonable price. Accordingly, Atmos Energy objects to the disclosure of the un-redacted natural gas purchase invoices.

Attached to this response as **Exhibit 1**, and incorporated herein by reference, is a sworn affidavit from Mr. Kenneth Malter, Atmos Energy's Director of Gas Supply and Services (Malter Affidavit). Mr. Malter has over 25 years of experience in the natural gas market. He is currently responsible for the procurement and administration of gas supply and transportation for all of Atmos Energy's operations in its eight states. Mr. Malter sets forth his expert opinion supporting the basis for Atmos Energy's confidential designation of its natural gas supply invoices. *See, Malter Affidavit, Exhibit 1.*

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***Exhibit 2***



Mr. Malter explains how the natural gas commodity industry is an unregulated and highly competitive market. He explains how maintaining the confidentiality of each element of a gas purchasing strategy, such as historical gas supply invoices, is absolutely necessary to ensure equal bargaining positions between the different participants involved in the natural gas commodity industry are maintained and how requiring Atmos Energy to publicly disclose any elements of its gas purchasing strategy will eliminate Atmos Energy's equal bargaining position. He explains how elimination of that equal bargaining power would place Atmos Energy at a competitive disadvantage compared to those participants who are not required to disclose elements of their gas purchasing or gas sales strategies to the public. Mr. Malter provides several examples of how public disclosure of Atmos Energy's historical gas supply invoices will lead to Atmos Energy having to pay higher prices for natural gas, which will result in higher gas supply costs paid by its customers. Finally, Mr. Malter indicates that other state agencies and local governments that regulate Atmos Energy recognize and maintain the confidential designation of Atmos Energy's gas purchasing information. *See, Malter Affidavit, Exhibit 1, paragraphs 9-11.*

Under K.S.A. 66-1220a (a), the Commission has a duty not to,

disclose or allow inspection by anyone, including, but not limited to, parties to a regulatory proceeding before the commission any information which is a trade secret under the uniform trade secrets act, K.S.A. 60-3320, or any confidential commercial information of a corporation...regulated by the commission unless the commission finds that disclosure is warranted after consideration of four factors.

Atmos Energy's gas supply information, including its historical gas supply invoices, is clearly a trade secret and confidential commercial information. K.S.A. 60-3320 (4) defines "trade secret" to mean,

...information, including a formula, pattern, compilation, program, device, method, technique, or process that (i) derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

As indicated above, Mr. Malter explains in his affidavit specifically how Atmos Energy's gas supply information derives its economic value by not being known by other participants in the natural gas commodity market and how disclosure of said information could provide those participants economic value at the expense of Atmos Energy. *See, Malter Affidavit, Exhibit 1,*

*paragraphs 10-11.*

Mr. Malter provides three examples where public disclosure of Atmos Energy's historical gas supply invoices could place Atmos Energy at a competitive disadvantage.

In his first example, Mr. Malter states that if the Commission were to require Atmos Energy to disclose all gas suppliers and all gas invoices for gas purchased by Atmos Energy during February 2021, then all of the participants in the natural gas commodity market (both suppliers and other purchasers) would have access to that information. Those participants would have the names of Atmos Energy's suppliers, the contract quantities, contract prices, the contract term and delivery locations. Atmos Energy, on the other hand, would have none of that information from the other participants, who are not required to publicly disclose such information. Mr. Malter states that this would mean that an industrial customer directly connected to Southern Star's interstate pipeline, who is competing against Atmos Energy for the same gas supplies, would have all of Atmos Energy's gas purchasing information. However, Atmos Energy would not have that same information relating to the industrial customer. He goes on to indicate that the equal bargaining positions of the participants in the natural gas commodity market "are turned on their heads" placing Atmos Energy and its customers at a competitive disadvantage in obtaining those gas supplies that Atmos Energy and the industrial customer are competing against each other to obtain. Mr. Malter explains that if Atmos Energy's historical gas supply information is maintained as confidential, then Atmos Energy and its customers are not placed at a disadvantage and can equally compete for natural gas supplies against the industrial customer, marketer or other gas purchaser in the natural gas commodity market. *See, Malter Affidavit, Exhibit 1, paragraph 12.*

Mr. Malter goes on in his affidavit to provide two examples that show that not only is Atmos Energy placed at a disadvantage at competing with other natural gas purchasers in the natural gas commodity market, it is also placed at a disadvantage in negotiating with gas suppliers, if those gas suppliers have all of Atmos Energy's historical gas contracts and invoices. *See, Malter Affidavit, Exhibit 1, paragraph 13.*

Both the U.S. Supreme Court and the Kansas Supreme Court recognize the importance of maintaining the confidentiality of an entity's trade secrets and commercial information. Both courts have recognized "that the common-law right of public inspection must bow before the power of the court to insure that records will not be used to "gratify private spite... or [be used] as sources of business information that might harm a litigant's competitive standing. *See, Stephens v. Van Arsdale*, 227 Kan. 676, 688(1980) (citing *Nixon v. Warner Comm'n, Inc.*, 435 U.S. 589, 598 (1978)).

This Commission has recently addressed whether natural gas supply contracts and invoices

relating to Storm Uri are confidential trade secrets protected from disclosure per the factors set forth in K.S.A. 66-1220a. *See, Order on KORA Request*, Docket No. 24-GIMX-238-MIS ("238 Docket"), October 12, 2023. In the 238 Docket, Mr. Zakoura filed a KORA request asking the Commission to provide un-redacted natural gas supply contracts and invoices relating to purchases made by Black Hills Energy during Storm Uri. Black Hills objected. It made the same arguments being made by Atmos Energy in this docket. The Commission applied the factors set forth in K.S.A. 66-1220a and held that natural gas supply contracts and invoices relating to Storm Uri were confidential trade secrets and not subject to disclosure. The Commission found that disclosure of contracts and invoices may affect a natural gas distribution company's ability to compete for low cost gas supplies in the future, which would cause harm to both the utility and the public. *See, Order on KORA Request*, 238 Docket, October 12, 2023, page 4, paragraph 10. The Commission held that it was unclear as to how disclosure would aid the Commission. It found that alternatives to disclosure existed for Mr. Zakoura through his class action cases. *Id.*

This Commission reached a similar conclusion a couple of times in Docket No. 21-KGSG-332-GIG ("332 Docket") relating to the same issue. In the 332 Docket, Mr. Zakoura requested on several occasions that Kansas Gas Service's natural gas supply contracts and invoices relating to Storm Uri be made public. Kansas Gas Service contended that the redacted information in the contracts and invoices constituted trade secrets and if released to the public could place the utility at a competitive disadvantage in acquiring natural gas supplies for its customers. In denying Mr. Zakoura's request, the Commission held:

...disclosure of the information as requested in NGTCC's motions holds great potential of harm to current and future Kansas natural gas customers through higher purchased gas costs. A general argument in favor of transparency cannot outweigh this very real harm to customers. The Commission agrees with Staff that the extraordinary nature of Winter Storm Uri does not warrant deviating from long standing and well-reasoned Commission practices related to non-disclosure of trade secrets and confidential commercial information.

*Order Denying NGTCC's Motion to Remove Confidential Designations for Certain Documents*, 332 Docket, dated September 9, 2021, page 9, paragraph 17.

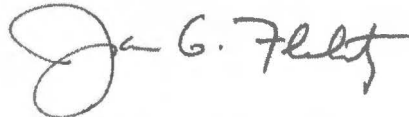
The Commission reached the same conclusion in Docket No. 22-GIMX-171-MIS, *See, Order on KORA Request*, 22-171 Docket, dated December 9, 2021, page 3, paragraph 8.

Based upon the analysis conducted by the Commission in its recent decision in the 238 Docket, and its decisions in the other above-referenced dockets, Atmos Energy requests that (1) the

Ms. Lynn Retz  
Page 5  
October 24, 2023  
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Commission find that the redacted information in the natural gas supply invoices constitute trade secrets, as defined in K.S.A. 60-3320(4); (2) based upon the factors set forth in K.S.A. 66-1220a, find that disclosure of said confidential information is not warranted; and (3) deny Mr. Zakoura's request for said confidential information.

Sincerely,



James G. Flaherty  
[jflaherty@andersonbyrd.com](mailto:jflaherty@andersonbyrd.com)

JGF:rr

cc: [jzakoura@foluston.com](mailto:jzakoura@foluston.com)  
[shelly.bass@atmosenergy.com](mailto:shelly.bass@atmosenergy.com)

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Investigation into Atmos )  
Energy Corporation Regarding the February ) Docket No. 21-ATMG-333-GIG  
2021 Winter Weather Events, as Contemplated )  
By Docket No. 21-GIMX-303-MIS )

**AFFIDAVIT OF KENNETH M. MALTER**

STATE OF LOUISIANA  
PARRISH OF ORLEANS, ss:

I, Kenneth M. Malter, upon being sworn, under oath, state that the following information is within my personal knowledge and belief and is true and correct:

1. My name is Kenneth M. Malter.
2. My business address in 1100 Poydras Street, Suite 3400, New Orleans, Louisiana, 70163.
3. I am employed by Atmos Energy Corporation (Atmos Energy) as Director of Gas Supply and Services.
4. I graduated from Louisiana State University with a BS in finance in 1989. I also completed a master's degree in business administration from Tulane University in 1995.
5. I have worked in various positions at Atmos Energy involving natural gas markets for the past 25 years.
6. As Director of Gas Supply and Services I am responsible for the department that is tasked with the procurement and administration of gas supply and transportation for all of Atmos Energy's operations in Kansas, Colorado, Texas, Tennessee, Kentucky, Louisiana, Mississippi and Virginia.

**EXHIBIT 1**

7. Atmos Energy submits its Gas Supply Plan (Plan) each year to the Kansas Corporation Commission (Commission) for review pursuant to the requirements contained in Atmos Energy's specific gas purchasing practices docket, Docket No. 02-GRLG-364-GPR (364 Docket).

8. The Plan provides a comprehensive framework to satisfy both the baseline and variable gas supply needs of Atmos Energy's Kansas sales customers. The Plan focuses on providing a reliable gas supply at a market based price, while taking into account Atmos Energy's operational and management requirements. Atmos Energy also submits monthly gas supply reports to the Commission in the 364 Docket.

9. Atmos Energy has consistently designated all information relating to its past, present and future gas supply strategy and portfolio as a confidential trade secret and has provided said information to the Commission for audit, review and other purposes pursuant to the protections contained in the Protective Order issued by the Commission in the 364 Docket on November 26, 2001, so that such information would be maintained as confidential and not released to the public. As explained below, Atmos Energy's gas supply information derives economic value, actual or potential, for Atmos Energy and its customers from not being generally known to and not readily ascertainable by proper means by other persons who could obtain economic value from its disclosure or use.

10. The natural gas commodity industry is an unregulated and highly competitive market. Thus, maintaining the confidentiality of each element that when combined makes up a gas purchasing strategy, is essential within the industry to ensure equal bargaining positions between and among both natural gas suppliers, like producers and marketers, and natural gas purchasers, like Atmos Energy, marketers, or individual industrial customers who purchase natural gas on the same pipeline as Atmos Energy. If the details of any element of Atmos Energy's gas purchasing strategy, for example, the

number of suppliers, names of suppliers, contract quantities, contract prices, the term of the contracts, delivery locations, are required to be made public and other participants in the natural gas commodity market are not required to make similar disclosures to the public, then such would place Atmos Energy at a competitive disadvantage compared to those participants who are not required to disclose elements of their gas purchasing or gas sales strategies to the public.

11. If the Commission would require Atmos Energy to disclose either specific historical or current elements of Atmos Energy's gas purchasing practices, like historical gas supply invoices, then this information would be available to all natural gas suppliers and all natural gas purchasers. Given current computer technologies, software, algorithm and artificial intelligence programs, this information can be exploited by participants in the natural gas commodity market by giving them critical insights into Atmos Energy's strategy in purchasing natural gas. It eliminates the equal bargaining positions between those participants and Atmos Energy. It could lead to Atmos Energy having to pay higher prices for natural gas, which means higher gas supply costs paid by its customers.

12. If the Commission were to require Atmos Energy to disclose all gas suppliers and all gas invoices for gas purchased by Atmos Energy during February, 2021, then all of the participants in the natural gas commodity market (both suppliers and other purchasers) would have access to that information. They would have the names of Atmos Energy's suppliers, the contract quantities, contract prices, contract term and delivery locations. Atmos Energy, on the other hand, would have none of that information from the other participants, who are not required to publicly disclose such information. This would mean that an industrial customer directly connected to Southern Star's interstate pipeline, who is competing against Atmos Energy for the same gas supplies, would have all of Atmos Energy's gas purchasing information. However, Atmos Energy would not have that same

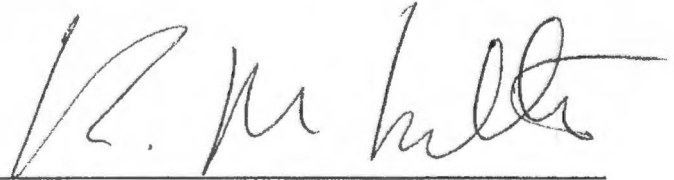
information relating to the industrial customer. The equal bargaining positions of the participants in the natural gas commodity market are turned on their heads, placing Atmos Energy and its customers at a competitive disadvantage in obtaining those gas supplies that Atmos Energy and the industrial customer are competing against each other to obtain. If Atmos Energy's historical gas supply information is maintained as confidential, then Atmos Energy and its customers are not placed at a disadvantage and can equally compete for natural gas supplies against that industrial customer, marketer or other gas purchaser in the natural gas commodity market.

13. Not only is Atmos Energy placed at a disadvantage at competing with other natural gas purchasers in the natural gas commodity market, it is also placed at a disadvantage in negotiating with gas suppliers, if those gas suppliers have all of Atmos Energy's historical gas contracts and invoices. For example, if Atmos Energy historically purchased natural gas supplies at a particular location at a price above the index price and the gas suppliers have access to that information because Atmos Energy has been required to disclose to the public its historical gas supply contracts and invoices, and Atmos Energy has no access to whether those gas suppliers have historically sold gas at that location at a price above or below the index price, Atmos Energy loses its equal bargaining position. This will likely result in Atmos Energy paying a higher price for natural gas supplies. Such also increases the chances that if multiple gas suppliers bid on selling natural gas to Atmos Energy and they all know historically that Atmos Energy has paid a price above the index price at a particular location, then such will likely result in bid prices being submitted that are relatively higher than if the gas suppliers did not have that historical information. Maintaining the confidentiality of that historical gas supply information assures equal bargaining power between Atmos Energy and those gas suppliers, resulting in competitive offers from those gas suppliers and relatively lower gas costs to customers.




14. The confidentiality of Atmos Energy's gas purchasing information is recognized and maintained by the other state agencies and local governments that regulate Atmos Energy's natural gas distribution business.

Further affiant saith naught.



Kenneth M. Malter

SUBSCRIBED AND SWORN to before me this 24<sup>th</sup> day of October, 2023, by Kenneth M. Malter.

  
\_\_\_\_\_  
Notary Public

Appointment/Commission Expires:

**STEPHEN T. PERRIEN**  
Notary Public  
Parish of Orleans, State of Louisiana  
My Commission is Issued for Life.  
Bar No. 22590  
Notarial No. 49480