



PPL companies

April 5, 2012

VIA HAND DELIVERY

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

**RE: Louisville Gas and Electric Company—Alleged Failure to
Comply with KRS 278.042**
Case No. 2012-00103

Dear Mr. DeRouen:

Enclosed please find and accept for filing the original and ten copies of Louisville Gas and Electric Company's Petition for Confidential Protection in the above-referenced matter, as well as a confidential copy of the information that is the subject matter of the Petition.

As explained in greater detail in the Petition, LG&E supplied to the Commission Staff by letter dated September 7, 2011, several pieces of information the Staff had requested concerning the safety incident that is the subject matter of this proceeding. Among that information was LG&E's contract with The Fishel Company. LG&E supplied the requested information to the Staff in a spirit of cooperation and complete disclosure long before the Commission issued its Order initiating this proceeding on March 28, 2012. It was not LG&E's intention to supply the contract into the public record. The entire contract is sensitive commercial information that, if publicly disclosed, would harm LG&E's ability to negotiate favorable contracts with other electrical services suppliers, and would harm LG&E's commercial relationship with Fishel. These commercial harms would ultimately harm LG&E's customers. For these reasons, LG&E respectfully requests that the Commission grant confidential protection to the Fishel contract and remove any and all copies of it from the public record.

Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copies and return them to me via our office courier.

Sincerely,

A handwritten signature in black ink that reads 'Allyson K Sturgeon'. The signature is written in a cursive, flowing style.

Allyson K. Sturgeon

RECEIVED

APR 05 2012

PUBLIC SERVICE
COMMISSION

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

APR 05 2012

PUBLIC SERVICE
COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)
)
 _____) **CASE NO. 2012-00103**
)
 ALLEGED FAILURE TO COMPLY WITH)
 KRS 278.042)

PETITION FOR CONFIDENTIAL PROTECTION

Louisville Gas and Electric Company (“LG&E”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c) to (a) grant confidential protection for the item described herein, which the Commission included in Appendix A to its Order dated March 28, 2012, and (b) remove any and all copies of the confidential information from the public record of this proceeding.

In support of this Petition, LG&E states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure commercially sensitive to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission. See KRS 61.878(1)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. By letter dated September 7, 2011, LG&E supplied to the Commission Staff several pieces of information the Staff had requested concerning the safety incident that is the subject matter of this proceeding. LG&E supplied the information to facilitate the Staff’s review of the matter, not as a filing in a formal proceeding before the Commission. Included in the information LG&E supplied was its contract with The Fishel Company.

3. The Commission's March 28, 2012 Order initiating this proceeding included in Appendix A a complete copy of LG&E's September 7, 2011 letter to the Commission Staff, including a complete copy of LG&E's contract with Fishel.

4. It was not LG&E's intention to supply its contract with Fishel ("Confidential Information") into the public record. The entire Fishel contract is sensitive commercial information the public disclosure of which would harm LG&E in its negotiations with other electrical services contractors. In addition, publicly disclosing this information would harm its commercial relationship with Fishel, which relies upon keeping confidential its carefully negotiated contracts, which contain sensitive commercial information. These commercial harms to LG&E would also harm their customers through increased costs of service. To protect LG&E's customers from harm, this information should be afforded confidential protection.

5. The Commission has granted confidential protection to documents inadvertently disclosed in formal proceedings in the past.¹ LG&E respectfully submits that this is an appropriate instance in which to do so, particularly in view of the spirit of cooperation and disclosure in which LG&E provided the Fishel contract to Commission Staff outside the context of a formal proceeding. Also, there are no other parties to this proceeding, ensuring that no party will be prejudiced by granting confidential protection to the Fishel contract.

6. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect LG&E's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter.

¹ See, e.g., *In the Matter of the Joint Application of Heritage Operating L.P. and Bright's Propane Service, Inc. for Approval of Transfer and Acquisition of Assets and Certificates of Public Convenience*, Case No. 2007-00494, Order at 6-7 (Feb. 27, 2008); *Constellation New-Energy Gas Division, LLC v. Columbia Gas of Kentucky, Inc.*, Case No. 2005-00184, Order at 3 (Feb. 9, 2006).

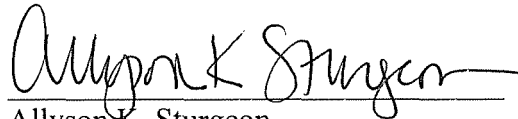
Utility Regulatory Commission v. Kentucky Water Service Company, Inc., 642 S.W.2d 591, 592-94 (Ky. App. 1982).

7. In accordance with the provisions of 807 KAR 5:001, Section 7, LG&E is filing with the Commission one copy of the Confidential Information highlighted. Because the entire Fishel contract is confidential, there are no public, redacted versions to file.

WHEREFORE, Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection for the information at issue and remove any and all copies of the confidential information from the public record of this proceeding, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information (and removing any and all copies of the confidential information from the current public record of this proceeding) pending the outcome of the hearing.

Dated: April 5, 2012

Respectfully submitted,



Allyson K. Sturgeon
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Counsel for Louisville Gas and Electric Company