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PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION )  
OF THE FUEL ADJUSTMENT CLAUSE OF )  
KENTUCKY UTILITIES COMPANY FROM ) CASE NO. 2007-00524  
MAY 1, 2007 THROUGH OCTOBER 31, 2007 )

PETITION OF KENTUCKY UTILITIES COMPANY  
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU”), pursuant to 807 KAR 5:001, Section 7, respectfully petitions the Commission to classify as confidential and protect from public disclosure certain information provided by KU in response to Question No. 17 of the Commission’s data requests, as contained in Appendix A of the Commission’s Order dated January 23, 2008. The information for which KU requests confidential treatment (“Confidential Information”) pertains to coal bid analysis information. In support of this Motion, KU notes that the Commission treated all this same information as confidential in KU’s last six-month fuel adjustment clause review proceeding. (See Letter from Executive Director Beth O’Donnell re KU Petition for Confidential Protection, Case No. 2007-00278 (Aug. 29, 2007), attached hereto as Attachment 1.)

In further support of this Motion, KU states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it 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. Disclosure of the factors underlying KU's bid analysis/selection process would damage KU's competitive position and business interests. This information reveals the business model the Company uses – the procedure it follows and the factors/inputs it considers – in evaluating bids for coal supply. If the Commission grants public access to the information requested in Question No. 17, potential bidders could manipulate the bid solicitation process to the detriment of KU and its ratepayers by tailoring bids to correspond to and comport with KU's bidding criteria and process. As noted above, the Commission has treated such information as confidential in the past. (*See* Attachment 1, Letter from Executive Director Beth O'Donnell re KU Petition for Confidential Protection, Case No. 2007-00278 (Aug. 29, 2007).)

3. The information for which KU is seeking confidential treatment is not known outside of KU, is not disseminated within KU except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the energy industry.

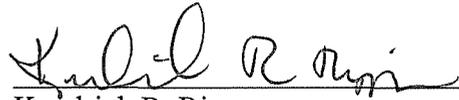
4. KU does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in this case.

5. In accordance with the provisions of 807 KAR 5:001, Section 7, KU is filing with the Commission one copy of the Confidential Information highlighted and ten (10) copies without the Confidential Information.

**WHEREFORE**, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection to the information designated as confidential for a period of five years from the date of filing the same.

Dated: February 13, 2008

Respectfully submitted,



Kendrick R. Riggs

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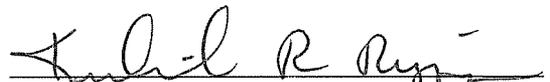
Counsel for Kentucky Utilities Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Petition for Confidential Protection was served via U.S. mail, first-class, postage prepaid, this 13<sup>th</sup> day of February 2008, upon the following persons:

Dennis G. Howard II  
Assistant Attorney General  
Office of the Kentucky Attorney General  
Office of Rate Intervention  
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Frankfort, Kentucky 40601-8204

Michael L. Kurtz  
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Counsel for Kentucky Utilities Company



Ernie Fletcher  
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Teresa J. Hill, Secretary  
Environmental and Public  
Protection Cabinet

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Commissioner  
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Mark David Goss  
Chairman

John W. Clay  
Vice Chairman

Caroline Pitt Clark  
Commissioner

August 29, 2007

Kendrick R. Riggs  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202-2828

RE: KU's Petition for Confidential Protection  
Case No. 2007-00278

Dear Mr. Riggs:

The Commission has received your petition filed August 24, 2007, to protect as confidential certain information provided by KU in response to Question 17 of the Commission's data request as contained in Appendix A of the Commission's Order dated August 3, 2007. A review of the information has determined that it is entitled to the protection requested on the grounds relied upon in the petition, and it will be withheld from public inspection.

If the information becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

Sincerely,

Beth O'Donnell  
Executive Director

cc: Parties of Record