

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC )  
SERVICE COMMISSION OF THE )  
APPLICATION OF THE FUEL )  
ADJUSTMENT CLAUSE OF ) CASE NO. 9173-C  
KENTUCKY UTILITIES COMPANY )  
FROM NOVEMBER 1, 1985, TO )  
APRIL 30, 1986 )

O R D E R

On February 10, 1987, Kentucky Utilities Company ("KU") filed a petition requesting the Commission to grant confidential treatment to the material and information contained in KU's response to the Commission's Order on January 16, 1987. That Order directed KU to provide monthly reports of its progress in renegotiating rail/barge transloading contracts and preliminary cost figures of its proposed courses of action.

KU requests that its responses be classified as proprietary and confidential commercial information pursuant to 807 KAR 5:001, Section 7. In support of its petition, KU states that its responses contain information of considerable commercial or tactical value to third parties, the disclosure of which would work to the substantial detriment of KU and ultimately may adversely affect the results of negotiations to transport coal to the Ghent Plant.

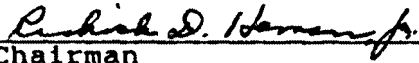
Based on KU's petition and the evidence of record, the Commission is of the opinion and thereby finds that good cause


exists to classify as confidential those portions of KU's responses containing competitive commercial information not publicly available. The Commission further finds that since the purpose of this determination is to prevent competitive injury and not to hinder participation in this proceeding by non-competitive parties, KU should provide the confidential portions of its response to any non-competitive party to this case upon their execution of a confidentiality agreement with KU.

IT IS THEREFORE ORDERED that KU's petition for confidentiality of its responses be and it hereby is granted to the extent of the commercial information contained therein. KU shall provide non-competitive parties the confidential response upon execution of a confidentiality agreement.

Done at Frankfort, Kentucky, this 13th day of March, 1987.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

\_\_\_\_\_  
Executive Director