

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 ) CASE NO. 92-493-B  
CLAUSE OF KENTUCKY UTILITIES )  
COMPANY FROM MAY 1, 1993 TO OCTOBER )  
31, 1993 )

O R D E R

On December 27, 1993, the Commission ordered Kentucky Utilities Company ("KU") to provide certain information relating to its solicitation for coal during the review period. More specifically, the Commission ordered KU to provide the bid tabulation sheets for each solicitation and an explanation for each selection. Order of December 27, 1993, Appendix A, Paragraph 1(b).

Contending that the information is confidential, KU refuses to provide it and has proposed to make the information available for inspection by the Commission and any intervening party at its offices in Lexington, Kentucky.

KU's refusal to provide the requested information has no basis in law. Utilities must file with the Commission any "information that the [C]ommission reasonably requires." KRS 278.230(3). As it is needed to determine whether KU's fuel procurement practices during the review period were reasonable, the information sought is well within the scope of this proceeding. See 807 KAR 5:056, Section 1(11). Neither KRS 278.230 nor the Commission's

regulations excuse a utility's compliance with a Commission Order on the basis of confidentiality.

If KU wishes to prevent public disclosure of the requested information, it may request confidential treatment of that information pursuant to Commission Regulation 807 KAR 5:001, Section 7. The Commission will then determine if confidential treatment is appropriate.

The Commission, on its own motion, HEREBY ORDERS and COMPELS KU to file with the Commission, within five days of the date of this Order, the information requested in Appendix A, Paragraph 1(b) of the Commission's Order of December 27, 1993.

Done at Frankfort, Kentucky, this 8th day of February, 1994.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director