

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW PURSUANT TO 807 KAR 5:058 OF)
THE 1993 INTEGRATED RESOURCE PLAN OF) CASE NO. 93-381
THE UNION LIGHT, HEAT & POWER COMPANY)

O R D E R

On December 8, 1994, the Commission entered an Order in this proceeding finding that confidential protection should not be extended to certain forecast information purchased by The Union Light, Heat and Power Company ("ULH&P") under subscription contracts from ICF Resources, Incorporated ("ICF"), Resources Data International, Inc. ("RDI"), and AER*X, Inc. ("AER*X"). ULH&P made four arguments in support of granting confidential protection, only one of which addressed the issue of competitive injury and was addressed by the Commission. Specifically, the Commission found that disclosure of the information was unlikely to affect adversely ULH&P'S purchases of fuel and allowances at competitive prices and that confidential protection should accordingly be denied.

By petition filed December 28, 1994, ULH&P requests rehearing on the issue of confidential protection for the forecast and market data provided by ICF and RDI,¹ alleging that ULH&P faces three

¹ RDI did not file a separate petition requesting rehearing but has filed an affidavit in support of ULH&P'S petition. Since the information supplied by RDI is forecast and market data copyrighted and provided under substantially the same conditions as the ICF data, the data provided by RDI and ICF will be treated identically. As noted in ULH&P'S petition at footnote 3, AER*X is no longer in business and does not seek to protect the confidentiality of its data.

different competitive injuries if the data is released: injury to its negotiating position; its ability to obtain forecast data in the future; and higher operating costs than its competitors. ICF also petitions the Commission for confidential protection of the forecast data, alleging that public release of the information will permit an unfair advantage to both ICF and ULH&P'S competitors. ICF, RDI, and ULH&P filed affidavits in support of their respective arguments.

After consideration of both petitions, the record in this proceeding, and being otherwise sufficiently advised, the Commission finds that the information should be confidentially protected on the basis of ICF'S petition and the affidavits. The forecast data is solely the product of ICF and RDI and is available to ULH&P and others on a subscription-only basis. The information is not currently and has never been part of the public domain and would seriously impair the commercial operations of ICF and RDI should it become so.

The Commission finds that no new basis for the granting of ULH&P'S petition has been presented and thus the Commission finds rehearing should be denied.

IT IS THEREFORE ORDERED that:

1. ULH&P'S petition for rehearing be and it hereby is denied. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this

Order, at the expiration of which it shall be placed in the public record.

2. ICF's petition for rehearing of the Commission's December 8, 1994 Order be and it hereby is granted. The forecast and market data supplied by ICF and RDI shall be withheld from public disclosure and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 17th day of January, 1995.

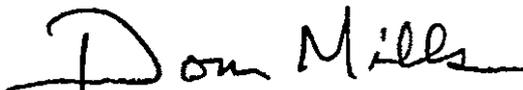
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:



Executive Director