

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND	)	
ELECTRIC COMPANY FOR CERTIFICATES OF	)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY AND	)	2011-00162
APPROVAL OF ITS 2011 COMPLIANCE PLAN	)	
FOR RECOVERY BY ENVIRONMENTAL	)	
SURCHARGE	)	

O R D E R

On October 10, 2011, Drew Foley, Janet Overman, Gregg Wagner, Rick Clewett, Raymond Barry, Sierra Club, and Natural Resources Defense Council (collectively, "Environmental Intervenors") filed a joint motion to compel disclosure of certain information contained in Louisville Gas and Electric Company's ("LG&E") September 15, 2011 responses to the Environmental Intervenors' supplemental discovery request. The information sought to be disclosed concerns natural gas price forecast data. The joint motion stated that LG&E's confidential version of its "2011 Air Compliance Plan Supplemental Analyses" redacted the following information:

1. The compliance plan's natural gas forecasts from 2014 onward;
2. The 2011 PIRA Energy Group ("PIRA") forecast for high sulfur coal and natural gas;
3. The 2011 Wood Mac/PIRA natural gas prices from 2015 onward; and
4. The 2011 Cambridge Energy Research Associates ("CERA") forecast for high sulfur coal and natural gas.

The Environmental Intervenors further state that LG&E's September 15, 2011 responses were accompanied by a petition seeking confidential protection of the natural gas price forecast information but that the petition later indicated that LG&E did not object to limited disclosure of such information if such disclosure were to occur pursuant to the terms of an acceptable protective agreement to intervenors with legitimate interests in reviewing the confidential information.

Environmental Intervenors point out that they have entered into a nondisclosure agreement with LG&E and that LG&E's concerns regarding any competitive disadvantage in negotiating fuel contracts in the future have been addressed by that agreement.

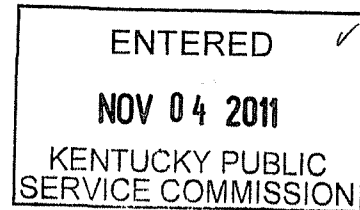
LG&E and its sister company, Kentucky Utilities Company, filed a joint response objecting to the motion on October 14, 2011. The response states that, in its August 5, 2011 responses to the Environmental Intervenors initial request for information, LG&E indicated that the fuel forecast information was redacted due to licensing agreements with PIRA and CERA, both of whom had refused to grant LG&E the right to disclose the fuel forecast information. However, LG&E states that it asked PIRA and CERA to reconsider their positions concerning the disclosure of their fuel price forecasts and that PIRA and CERA have agreed to permit LG&E to produce the subject information. Copies of the fuel price forecasts were filed along with a petition for confidentiality on October 14, 2011.

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds the information sought to be compelled by the Environmental Intervenors has been produced by LG&E and made available to the parties to this


proceeding. Therefore, the Commission finds that the Environmental Intervenors' joint motion to compel the disclosure of certain natural gas price forecast information should be denied as moot.

IT IS THEREFORE ORDERED that the Environmental Intervenors' joint motion to compel is denied as moot.

By the Commission



ATTEST

  
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