

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PURCHASED GAS ADJUSTMENT FILING)	CASE NO.
OF LOUISVILLE GAS & ELECTRIC)	2013-00361
COMPANY)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On September 30, 2013, Louisville Gas and Electric Company (“Movant”) filed a petition pursuant to 807 KAR 5:001, Section 13,¹ requesting that the Commission grant confidential treatment to certain information that is contained in its Quarterly Gas Supply Clause filing, more fully described as a statement setting forth the summary of the total purchased gas costs for the period of May 2013 through July 2013 (“Summary”). The Summary, which is included in the filing of two pages in Exhibit B-1, pages 5 and 6, contains certain information the disclosure of which, Movant contends, would damage Movant’s competitive position and business interests. Movant states that the Summary contains sensitive commercial information, the disclosure of which would injure Movant’s ability to negotiate future gas supply contracts at advantageous prices, and unfairly advantage Movant’s competitors for both gas supplies and retail gas load.

According to Movant, this sensitive information identifies Movant’s natural gas suppliers for the period set forth and links those providers with specific gas volumes delivered and the costs thereof. Movant claims that disclosure of the suppliers’

¹ Louisville Gas and Electric Company filed its petition pursuant to 807 KAR 5:001, Section 7; however, 807 KAR 5:001 was amended effective Jan. 4, 2013, with Section 13 replacing Section 7 regarding confidential materials.

identities would damage Movant's competitive position and business interest in that it would allow Movant's competitors to know the unit price and overall cost of the gas Movant is purchasing from each supplier, and that it would provide competitors of Movant's suppliers with information which would enable future gas bidding to be manipulated to the competitors' advantage and detriment to Movant and its customers.

Movant states that the information in the Summary for which it is seeking confidential treatment is not known outside Movant and the relevant suppliers, and it is not disseminated within Movant except to those employees with a legitimate business need to know and act upon the information.

Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite period of time due to the highly confidential and proprietary nature of the information requested to be held confidential, the disclosure of which could result in competitive injury.

IT IS THEREFORE ORDERED that:

1. Movant's petition for confidential protection is hereby granted.

2. The materials for which Movant seeks confidential treatment shall neither be placed in the public record nor made available for public inspection for an indefinite period of time.

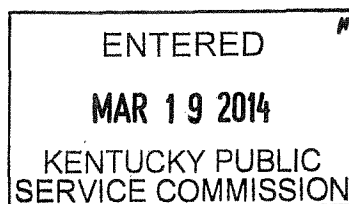
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Commission shall notify Movant in writing and direct Movant to demonstrate within 20 days of its receipt of the notice that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

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