## COMMONWEALTH OF KENTUCKY

## BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES ) COMPANY FOR AN ADJUSTMENT OF ITS ) CASE NO. 2014-00371 ELECTRIC RATES )

## ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On January 23, 2015, and February 20, 2015, Kentucky Utilities Company ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1), that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motions, Movant states that the information it is requesting to be held confidential is contained in its responses to the Sierra Club's Initial Data Request ("Sierra Club's Initial Request"), Item 26(b), filed January 23, 2015, and the Second Set of Data Requests of Kentucky Industrial Utility Customers, Inc. ("KIUC's Second Request"), Item 20, filed February 20, 2015. The information in Item 26(b) is more particularly described as a transmission study that has not been made public. The Information in Item 20 is more particularly described as Excel spreadsheets containing detailed non-executive employee compensation and benefit information.

On November 17, 2015, the Commission granted Movant's request for confidential protection of its response to the Attorney General's Supplemental Request for Information, Item 29, which included information pertaining to the transmission study detailed above. In its Order, the Commission noted that Movant tendered in

supplemental letters, which clarified that the transmission study will never be publicly disclosed and should be kept confidential indefinitely.<sup>1</sup>

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

1. The materials in Movant's response to the Sierra Club's Initial Request, Item 26(b), for which Movant seeks confidential treatment meet the criteria for confidential protection and are exempted from public disclosure pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13.

2. The materials in Movant's response to KIUC's Second Request, Item 20, for which Movant seeks confidential treatment contain only non-executive employee benefit information and therefore meet the criteria for confidential protection and are exempted from public disclosure pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13.<sup>2</sup>

3. Pursuant to KRS 61.878, the material for which Movant requests confidential protection shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of the Commission.

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<sup>&</sup>lt;sup>1</sup> November 17, 2015 Order at 1-2; Letter from Allyson Sturgeon, Senior Corporate Counsel, LG&E and KU Energy LLC, to Jeff Derouen, Executive Director, Kentucky Public Service Commission (Nov. 12, 2015).

<sup>&</sup>lt;sup>2</sup> See e.g. Case No. 2012-00221, Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates (Ky. PSC Sept. 11, 2013).

IT IS THEREFORE ORDERED that:

1. Movant's motions for confidential protection of its responses to the Sierra Club's Initial Request, Item 26(b), and KIUC's Second Request, Item 20, are granted.

2. Pursuant to KRS 61.878, the information for which Movant requests confidential protection shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of the Commission.

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.

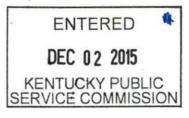
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS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

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.

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By the Commission



ATTES Executive Director

Case No. 2014-00371

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