

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY AND KENTUCKY)	
UTILITIES COMPANY REGARDING ENTRANCE)	CASE NO.
INTO REFINED COAL AGREEMENTS, FOR)	2015-00264
PROPOSED ACCOUNTING AND FUEL)	
ADJUSTMENT CLAUSE TREATMENT, AND FOR)	
DECLARATORY RULING)	

ORDER

On August 19, 2015, Louisville Gas and Electric Company and Kentucky Utilities Company (collectively, the "Companies") filed a petition, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of exhibits filed in connection with their application in this matter. On September 8, 2015, the Companies filed a corrected confidential Exhibit 9, and the version of Exhibit 9 filed on August 19, 2015, was returned to the Companies. The Companies request that designated portions of Exhibits 6, 7, and 8, and the entirety of Exhibit 9 remain confidential for an indefinite period of time. The information for which the Companies request confidential treatment is more specifically described as confidential technical vendor information contained in Exhibit 6; proposals received from third parties, the Companies' evaluation of those proposals, and pricing information related to fees received per ton of refined coal contained in Exhibits 7 and 8; and a revenue ruling request submitted to the Kentucky Department of Revenue contained in Exhibit 9.

In support of its petition, the Companies state that public disclosure of the designated information in Exhibits 6, 7, and 8 would hinder the Companies' ability to procure the best contract terms in future negotiations. The Companies further state that disclosing information to counterparties about their competitors' proposals would make entities less willing to respond to requests for proposals from the Companies or to offer concessions in contract terms, which could result in economic harm to the Companies and their customers through increased costs of service. The information for which the Companies request confidential treatment is generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c).

In support of their request for confidential treatment for Exhibit 9, the Companies state that KRS 131.190(1) requires that information acquired by or required to be filed with the Kentucky Department of Revenue regarding tax schedules, returns, or reports be treated in a confidential matter. For this reason, the Companies request that the Commission protect this information from public disclosure.

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in Exhibits 6, 7, and 8, and the entirety of Exhibit 9 to the application are records that are generally recognized as confidential or proprietary, and therefore 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.

IT IS THEREFORE ORDERED that:

1. The Companies' motion for confidential protection for the designated material in Exhibits 6, 7, and 8, and the entirety of Exhibit 9 to the application is granted.

2. The materials contained in Exhibits 6, 7, 8, and 9 to the application for which the Companies requested confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this 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. The Companies 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 and the period during which the materials have been granted confidential treatment has not run, then the Companies 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 the Companies are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

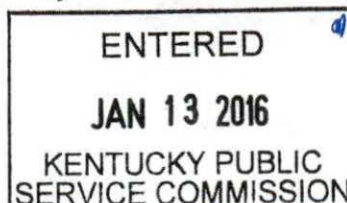
6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow the Companies to seek a remedy afforded by law.

ATTEST:



Executive Director

By the Commission



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