

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF KENTUCKY UTILITIES COMPANY)	2019-00004
FROM NOVEMBER 1, 2016 THROUGH)	
OCTOBER 31, 2018)	

ORDER

On February 25, 2019, Kentucky Utilities Company (KU) filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of the responses to Item 4 (Response 4) and Item 32 (Response 32) of the Commission's Requests for Information contained in an Appendix to the Commission's Order dated February 11, 2019. Specifically, KU seeks confidential treatment for coal-bid analysis information in Response 4 and planned maintenance schedules in Response 32.

KU asserts that disclosure of the information in Response 4 could be detrimental to KU's customers and result in higher prices by revealing the business model the company uses for evaluating bids for coal supply, which could allow potential bidders to manipulate the bid solicitation process. KU requests that this information remain confidential for five years.

KU asserts that disclosure of the information in Response 32 could be detrimental to KU and KU's customers by revealing downtime information, which KU argues is an essential factor in determining KU's generating costs and need for power and energy

during the downtime. KU asserts that public disclosure of scheduled maintenance for its generating units would impede its ability to contract with contractors and vendors and would also allow competitors to erode KU's position in the wholesale power market. KU requests that this information remain confidential for five years.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Response 4 and Response 32 is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. KU's petition for confidential protection for the identified portions of Response 4 is granted.
2. The identified information shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission.
3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. KU shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.
5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, then KU shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If KU is unable to

make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the material available for inspection for 30 days following an Order finding that the material no longer qualifies for confidential protection in order to allow KU to seek a remedy afforded by law.

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By the Commission

ENTERED
JAN 07 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00004

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