

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)	

PETITION OF WAL-MART STORES EAST, LP, AND SAM'S EAST, INC.
FOR CONFIDENTIAL PROTECTION

Wal-Mart Stores East, LP, and Sam's East, Inc. ("Walmart") hereby petitions the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1) to grant confidential protection for the item described herein, which Walmart will provide in response to Request 3 of Kentucky Utilities Company's ("the Company") First Set of Data Requests to Walmart.

Confidential or Proprietary Information

1. KRS 61.878(1)(c)1 indicates that information confidentially disclosed to a state agency, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission, are exempt from disclosure.

2. Request 3 requires Walmart to produce individual account usage information and the "value" by account and in the aggregate of its facilities' participation in the Company's "DSM-EE" programs.

3. The Company has acknowledged that it does not disclose customer load and usage data in accordance with the Kentucky Open Records Act. See, e.g., Petition of Kentucky Utilities Company for Confidential Protection (for Response to KSBA Request 2), filed at this docket on January 23, 2015, p. 1.

4. The information for which Walmart is seeking confidential treatment (Attachment 3 to the related Response) is not known outside of Walmart (or the Company).

5. The information, if publicly disclosed, could place Walmart at a competitive disadvantage in the marketplace, as Walmart's commercial competitors could use this information to discern Walmart's strategies and operational metrics with respect to electric consumption and DSM-EE participation values for both individual accounts and collectively.

6. Walmart will disclose the confidential information, pursuant to a confidentiality agreement, to the Company and also to any intervenors with a legitimate interest in this information and as required by the Commission.

7. If the Commission disagrees with this request for confidential protection, however, it should hold an evidentiary hearing (a) to protect Walmart's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter.

8. In compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(e), Walmart is filing with the Commission one paper copy that identifies by highlighting or other means the information for which confidential protection is sought and one electronic copy with the same information redacted.

9. Due to the ongoing sensitive nature of the commercial information at issue, Walmart requests that confidential protection be granted for an indefinite period.

WHEREFORE, Walmart respectfully requests that the Commission grant confidential protection for Attachment 3 to its Response to the Company's Data Request 3.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC



By _____

Don C. A. Parker (Kentucky I.D. No. 94113)
Spilman Thomas & Battle, PLLC
300 Kanawha Blvd, East
Charleston, WV 25301
Phone: (304) 340-3896
Fax: (304) 340-3801
E-mail: dparker@spilmanlaw.com
tshadrick@spilmanlaw.com

Derrick Price Williamson
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2740
Fax: (717) 795-2743
E-mail: dwilliamson@spilmanlaw.com

Counsel to Wal-Mart Stores East, LP, and Sam's East, Inc.

Dated: April 6, 2015

CERTIFICATE OF SERVICE

I hereby certify that Walmart's April 6, 2015, electronic filing of their Responses and Petition for Confidential Protection are a true and accurate copy of the same documents to be filed in paper medium absent the confidential attachment; and that on April 6, 2015, the electronic filing has been transmitted to the Commission, and that an original and one copy of the filing will be delivered to the Commission, that no participants have been excused from electronic filing at this time, and served upon the following via Electronic Mail:

Gregory T. Dutton, Esq.
Lawrence W. Cook, Esq.
Jennifer Black Hans, Esq.
Angela M. Goad, Esq.
Stefanie J. Kingsley, Esq.
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204
Gregory.Dutton@ky.gov
Larry.Cook@ky.gov
Jennifer.Hans@ky.gov
Angela.Goad@ky.gov
Stefanie.Kingsley@ky.gov

Edwin R. Staton
Allyson K. Sturgeon, Esq.
Robert Conroy
LG&E and KU Energy, LLC
220 West Main Street
Louisville, KY 40202
Allyson.Sturgeon@lge-ku.com
Ed.Staton@lge-ku.com
Robert.conroy@lge-ku.com

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
MKurtz@BKLawfirm.com
Kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com

Iris G. Skidmore, Esq.
Bates & Skidmore
Attorneys at Law
415 W. Main St., Suite 2
Frankfort, KY 40601
BatesandSkidmore@gmail.com

Kendrick R. Riggs, Esq.
Stoll, Keenon & Ogden, PLLC
1700 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202
kendrick.riggs@skofirm.com

David J. Barberie, Esq.
Department of Law
Lexington-Fayette Urban County
Government
200 East Main Street
Lexington, KY 40588
dbarberi@lexingtonky.gov

Laurence J. Zielke
Janice M. Theriot
Zielke Law Firm, PLLC
1250 Meidinger Tower
462 South 4th Street
Louisville, KY 40202
lzielke@zielkefirm.com
jtheriot@zielkefirm.com

Gardner F. Gillespie
Amanda M. Lanham
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Ave., NW, Suite 100
Washington, DC 20006-6801
ggillespie@sheppardmullin.com
alanham@sheppardmullin.com

David C. Brown, Esq.
Stites & Harbison, PLLC
400 W. Market Street, Suite 1800
Louisville, KY 40202
dbrown@stites.com

Joe F. Childers, Esq.
Joe F. Childers & Associates
300 Lexington Building
201 West Short Street
Lexington, KY 40507
Childerslaw81@gmail.com

Laurie Williams, Esq.
Associate Attorney
Sierra Club
50 F. Street, NW, Eighth Floor
Washington, DC 20001
laurie.williams@sierraclub.org

Casey Roberts, Esq.
Kristin Henry, Esq.
Staff Attorney
Sierra Club
85 Second Street
San Francisco, CA 94105
casey.roberts@sierraclub.org
Kristin.henry@sierraclub.org

Matthew Malone, Esq.
William H. May, Esq.
Hurt, Deckard & May, PLLC
127 W. Main Street
Lexington, KY 40507
mmalone@hdmfirm.com
bmay@hcm-law.com



Don C. A. Parker (Kentucky I.D. No. 94113)