

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

|                                       |   |                            |
|---------------------------------------|---|----------------------------|
| <b>APPLICATION OF LOUISVILLE GAS</b>  | ) |                            |
| <b>AND ELECTRIC COMPANY FOR AN</b>    | ) | <b>Case No. 2014-00372</b> |
| <b>ADJUSTMENT OF ITS ELECTRIC AND</b> | ) |                            |
| <b>GAS RATES</b>                      |   |                            |

**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 items described herein, which Walmart will provide in response to Request 3 of Louisville Gas and Electric 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 Louisville Gas and Electric 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



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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:

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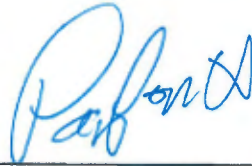
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