

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
LOUISVILLE GAS AND ELECTRIC)	
COMPANY FOR A DECLARATORY ORDER)	CASE NO. 2016-00317
REGARDING THE PROPER METHOD OF)	
MUNICIPAL FRANCHISE FEE RECOVERY)	

PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION

Louisville Gas and Electric Company (“LG&E” or the “Company”) 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 LG&E seeks to provide in response to Items 1-1, 1-11, and 1-14 of Louisville/Jefferson County Metro Government’s (“Louisville Metro”) Initial Request for Information.

Critical Energy Infrastructure Information (KRS 61.878(1)(m))

1. KRS 61.878(1)(m)(1) exempts from disclosure public records that have a reasonable likelihood of threatening public safety by exposing a vulnerability, such as infrastructure records that disclose the “location, configuration, or security of critical systems,” including gas systems. The Commission has previously granted confidential protection to Critical Energy Infrastructure Information.¹

2. Item 1-1 requests a network analysis model of LG&E’s gas distribution system for the latest peak day and the latest base sendout day. In response, LG&E is providing data that contains information about the location and configuration of LG&E’s gas system. The disclosure

¹ *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, Case No. 2014-00371, Order Regarding Request for Confidential Treatment to AG’s Initial Request for Information (Ky. PSC Dec. 2, 2015).

of this information provided in response to Item 1-1 would be useful to anyone seeking to threaten or harm the public safety by a terrorist act. LG&E requests that the Commission protect from public disclosure the entirety of the data provided in response to Item 1-1.

3. Item 1-11 requests the receipt pressures for each of LG&E's city gate station interconnections. This information could be used to endanger the public if disclosed. Because of the sensitive nature of the information provided in response to Item 1-11, LG&E requests that the Commission protect from public disclosure the minimum delivery pressures identified in the response.

4. Item 1-14 requests identification of the "local load areas or zones served by each of the city gate stations and their maximum and base loads in mcf per hour." In response, LG&E is providing a table of the estimated station capacities based on equipment design limits. LG&E seeks confidential protection of this table because its public disclosure would threaten public safety.

Confidential or Proprietary Commercial Information (KRS 61.878(1)(c))

5. The Kentucky Open Records Act also exempts from disclosure information "generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records."² The Commission has recently relied on this section of the Kentucky Open Records Act to grant confidential protection to a variety of documents when disclosure would disadvantage the Company.³

² KRS 61.878(1)(c)(1).

³ See, e.g., *In the Matter of: Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates*, Case No. 2014-00372, Order Regarding Request for Confidential Treatment to KIUC's Initial Request for Information (Ky. PSC Jan 14, 2016) (granting confidential treatment to agreements between the Company and third parties, projected outage schedules, design information, and others).

6. In response to Item 1-11, LG&E is providing the minimum delivery pressures at each of LG&E's city gate interconnections. In response to Item 1-14, LG&E is providing estimated city gate station capacities. LG&E's responses to Items 1-11 and 1-14 also warrant confidential protection because the responses contain sensitive commercial information, the disclosure of which would unfairly advantage LG&E's competitors. LG&E competes for gas transportation capacity with other companies and these competitors could use the pressure and capacity information to compete for LG&E's existing and potential gas transportation customers. Further, public disclosure of portions of the responses to Items 1-11 and 1-14 would limit LG&E's leverage in negotiating with alternate and competing pipeline suppliers of gas transportation capacity. Because public disclosure of the responses to Items 1-11 and 1-14 would permit an unfair commercial advantage to competitors of LG&E, LG&E requests the Commission protect the confidential portions of the responses from public disclosure.

The Confidential Information Subject to this Petition

7. The information for which LG&E is seeking confidential treatment is not known outside of LG&E, and it is not disseminated within LG&E except to those employees with a legitimate business need to know the information.

8. LG&E will disclose the confidential information, pursuant to a confidentiality agreement, to intervenors with a legitimate interest in this information and as required by the Commission.

9. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect LG&E'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.⁴

⁴ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

10. Unless otherwise noted, in compliance with 807 KAR 5:001, Section 8(3) and 13(2)(e), LG&E 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 obscured. Pursuant to 807 KAR 5:001, Section 13(2)(a)(3)(b), confidential treatment is sought for the entire documents produced in response to Item 1-1. For these documents, as required by 807 KAR 5:001, Section 13(2)(a)(3)(b), written notification that the entire documents are confidential is filed in lieu of highlighting.

11. Due to the serious security concerns related to the disclosure of Critical Energy Infrastructure Information, the Company requests that the responses to Items 1-1, 1-11, and 1-14 remain confidential indefinitely.

WHEREFORE, Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: April 7, 2017

Respectfully submitted,



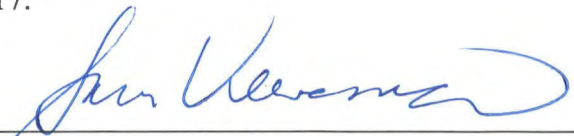
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CERTIFICATE OF SERVICE

This is to certify that Louisville Gas and Electric Company's April 7, 2017 electronic filing of the Petition for Confidential Protection is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on April 7, 2017; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original in paper medium of the Petition and an unobscured copy of the material for which confidentiality is sought sealed in an opaque envelope are being sent to the Commission on April 7, 2017.



Counsel for Louisville Gas and Electric Company