

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JUL 13 2006

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)	PUBLIC SERVICE
COMMISSION OF THE ENVIRONMENTAL)	COMMISSION
SURCHARGE MECHANISM OF KENTUCKY)	
UTILITIES COMPANY FOR THE SIX-MONTH)	CASE NO. 2006-00129
BILLING PERIODS ENDING JULY 31, 2003,)	
JANUARY 31, 2004, JANUARY 31, 2005,)	
JULY 31, 2005 AND JANUARY 31, 2006 AND FOR)	
THE TWO-YEAR BILLING PERIOD ENDING)	
JULY 31, 2004)	

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c) to grant confidential protection to certain information contained in its Data Response to the Request for Information No. 7 from the Kentucky Industrial Utility Customers, Inc. (“KIUC”).

In support of this Petition, KU states as follows:

1. On July 13, 2006, KU filed its data response to the Request for Information No. 7 from the KIUC. In that request, KIUC seeks a billing analysis showing the cost differential between the two base rate roll-in methodologies in this case. The billing analysis contains the specific volumes of energy purchased and the amounts paid for the service by each of the customers. Counsel for the members of KIUC states in the request for information that this individual customer data is considered to be confidential and requests that the information be filed with the Commission pursuant to the provisions of 807 KAR 5:001, Section 7. KU historically has not publicly disclosed specific customer information in the public record absent a court order or a subpoena in order to protect the customer’s right of privacy.

2. Under KRS 61.878(1)(c), commercial information, generally recognized as confidential, is protected if disclosure would cause competitive injury and permit competitors an unfair commercial advantage. The information contained in KU's Data Response to KIUC No. 7 constitutes such confidential information which must remain confidential if the specific KU customers are to be protected from competitive injury.

3. Under KRS 61.878(1)(a), information of a personal nature is protected from disclosure where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy. The information contained in KU's Data Response to KIUC No. 7 constitutes such personal confidential information the disclosure of which would constitute a clear unwarranted invasion of personal privacy of each of the customers.

4. Except for each individual customer, the information sought to be protected is not known outside of KU and is not disseminated within KU except to those employees with a legitimate business need to know and act upon the information.

5. The portion of KU's Data Response to KIUC No. 7 for which KU is seeking confidential treatment demonstrates on its face that it merits confidential protection. If the Commission disagrees, however, it must hold an evidentiary hearing to protect the due process rights of KU and supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

6. KU does not object to limited disclosure of the confidential information, pursuant to a protective agreement, to the Attorney General, KIUC or to other intervenors with a legitimate interest in reviewing the same in the context of this proceeding. Upon receipt of an

executed confidentiality agreement, KU will tender the confidential information to counsel for the Attorney General and KIUC.

7. In accordance with the provisions of 807 KAR 5:001, Section 7, one copy of the confidential information contained in KU's Data Response to KIUC No. 7 is highlighted in yellow and ten (10) copies of KU's Data Response to KIUC No. 7 without the confidential information is herewith filed with the Commission.

For the reasons stated, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated: July 13, 2006

Respectfully submitted,



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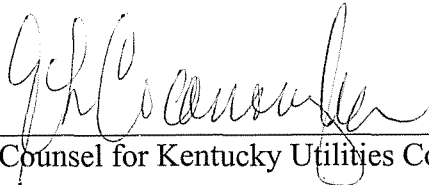
Counsel for Kentucky Utilities Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing Petition for Confidential Protection was served by United States mail, postage prepaid, to the following persons on the 13th day of July 2006:

Elizabeth E. Blackford
Assistant Attorney General
Office of the Attorney General
Utility & Rate Intervention Office
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Frankfort, Kentucky 40601-8204

David F. Boehm
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Boehm Kurtz & Lowry
36 East Seventh Street, Suite 1510
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Counsel for Kentucky Utilities Company

KENTUCKY UTILITIES COMPANY

**Response to First Data Request of
Kentucky Industrial Utility Customers, Inc. Dated June 27, 2006**

Case No. 2006-00129

Question No. 7

Witness: Robert M. Conroy

Q7. For each of the KIUC customers listed below, please provide a billing analysis using 12 month of representative data showing the cost differential between the two base rate roll-in alternatives. We consider this individual customer data to be confidential pursuant to 807 KAR 5:001(7), and ask that it be provided pursuant to a protective order.

Arvin Meritor dba Carrollton Castings
Clipay Plastics Products Co., Inc.
Corning Incorporated
Dow Corning Corporation
Lexmark International
MeadWestvaco
New Page
North American Stainless
Osram-Sylvania
Square D Company
TI Automotive
Toyota Motor Engineering
Manufacturing NA, Inc.
United L-N Glass

A-7. The requested information is being provided pursuant to a Petition for Confidential Protection.