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

**In the Matter of:**

**AN EXAMINATION OF THE APPLICATION )  
OF THE FUEL ADJUSTMENT CLAUSE OF )  
LOUISVILLE GAS AND ELECTRIC ) CASE NO. 2007-00525  
COMPANY FROM MAY 1, 2007 THROUGH )  
OCTOBER 31, 2007 )**

**PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY  
FOR CONFIDENTIAL PROTECTION**

Louisville Gas and Electric Company (“LG&E”), pursuant to 807 KAR 5:001, Section 7, respectfully petitions the Commission to classify as confidential and protect from public disclosure certain information provided by LG&E in response to Question No. 17 of the Commission’s data requests, as contained in Appendix A of the Commission’s Order dated January 23, 2008. The information for which LG&E requests confidential treatment (“Confidential Information”) pertains to coal bid analysis information. In support of this Motion, LG&E notes that the Commission treated all this same information as confidential in LG&E’s last two-year fuel adjustment clause review proceeding. (*See* Letter from Executive Director Beth O’Donnell re LG&E Petition for Confidential Protection, Case No. 2006-00510 (Jan. 26, 2007), attached hereto as Attachment 1.)

In further support of this Motion, LG&E states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission. *See* KRS 61.878(1)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Disclosure of the factors underlying LG&E's bid analysis/selection process would damage LG&E's competitive position and business interests. This information reveals the business model the Company uses – the procedure it follows and the factors/inputs it considers – in evaluating bids for coal supply. If the Commission grants public access to the information requested in Question No. 17, potential bidders could manipulate the bid solicitation process to the detriment of LG&E and its ratepayers by tailoring bids to correspond to and comport with LG&E's bidding criteria and process. As noted above, the Commission has treated such information as confidential in the past. (*See* Attachment 1, Letter from Executive Director Beth O'Donnell re LG&E Petition for Confidential Protection, Case No. 2006-00510 (Jan. 26, 2007).)

3. The information for which LG&E is seeking confidential treatment is not known outside of LG&E, is not disseminated within LG&E except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the energy industry.

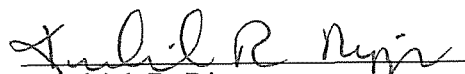
4. LG&E does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in this case.

5. In accordance with the provisions of 807 KAR 5:001, Section 7, LG&E is filing with the Commission one copy of the Confidential Information highlighted and ten (10) copies without the Confidential Information.

**WHEREFORE**, Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection to the information designated as confidential for a period of five years from the date of filing the same.

Dated: February 13<sup>th</sup>, 2008

Respectfully submitted,



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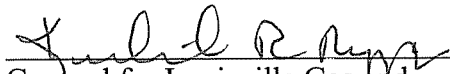
Counsel for Louisville Gas and  
Electric Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Petition for Confidential Protection was served via U.S. mail, first-class, postage prepaid, this 13<sup>th</sup> day of February 2008, upon the following persons:

Dennis G. Howard II  
Assistant Attorney General  
Office of the Kentucky Attorney General  
Office of Rate Intervention  
1024 Capital Center Drive, Suite 200  
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Michael L. Kurtz  
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Ernie Fletcher  
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Environmental and Public  
Protection Cabinet

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Mark David Goss  
Chairman

John W. Clay  
Commissioner

January 26, 2007

Allyson K. Sturgeon  
E.ON U.S. LLC  
220 West Main Street  
P. O. Box 32010  
Louisville, KY 402032

RE: LG&E Petition for Confidential Protection  
Case No. 2006-00510

Dear Ms. Sturgeon:

The Commission has received your petition filed January 22, 2007, to protect as confidential LG&E's responses to questions 6, 9 and 24 of the Commission's data request contained in Appendix B to its Order dated 12/18/06. A review of the information has determined that it is entitled to the protection requested on the grounds relied upon in the petition, and it will be withheld from public inspection.

If the information becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell", written over a large, stylized scribble.

Beth O'Donnell  
Executive Director

cc: Parties of Record