

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

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COMMISSION

In the Matter of:

**APPLICATION OF LOUISVILLE GAS AND)
ELECTRIC COMPANY TO FILE) CASE NO. 2007-00564
DEPRECIATION STUDY)**

In the Matter of:

**APPLICATION OF KENTUCKY UTILITIES)
COMPANY TO FILE DEPRECIATION) CASE NO. 2007-00565
STUDY)**

**JOINT PETITION OF KENTUCKY UTILITIES COMPANY
AND LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) (collectively “Applicants”) hereby petition the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c) to grant confidential protection for the items described herein, which the Applicants seek to provide in response to the Attorney General’s Initial Requests for Information Nos. 6 & 7 in these proceedings (collectively “Data Requests”). In support of this Petition, the Applicants state as follows:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of the party seeking confidentiality.
2. The Data Requests ask each Applicant to provide all internal and external correspondence from 2005-2007, inclusive, which deals in any way with the Applicant’s

retirement unit costs, electric depreciation rates, and/or the depreciation study the Applicants filed in these proceedings. Several of the Applicants' e-mails that are responsive to the Data Requests have attached to them the following commercially sensitive documents for which the Applicants seek protection as confidential in their entirety: (1) the request for proposals ("RFP") for the depreciation study and drafts thereof; (2) responses to the Applicants' depreciation study RFP; (3) the Applicants' internal evaluations and comparisons of the RFP responses; (4) contracts for the depreciation study and drafts thereof; (5) prospective capital expenditure budgets; and (6) an award recommendation for a customer satisfaction survey (collectively "Confidential Documents").

3. The Confidential Documents merit confidential protection because the Applicants believe that revealing their contents in the public record will harm the Applicants' ability to obtain truly competitive bids to perform work similar to the depreciation study and the customer satisfaction survey. Revealing the Applicants' prospective capital expenditure budgets would likely harm the Applicants' ability to compete in wholesale power markets by revealing their strategic direction and their input costs. If the Commission disagrees, however, it must hold an evidentiary hearing (a) to protect the Applicants' 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. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

4. The Applicants will disclose the confidential information, pursuant to a protective agreement, to intervenors and others with a legitimate interest in this information and as required by the Commission. Because the Applicants seek to protect the Confidential Documents in their

entirety and in accordance with the provisions of 807 KAR 5:001 Section 7, the Applicants are filing with the Commission one copy of each of the Confidential Documents on yellow paper.

WHEREFORE, Kentucky Utilities Company and Louisville Gas and Electric Company respectfully request 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: March 28, 2008

Respectfully submitted,



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Counsel for Kentucky Utilities Company and
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Joint Petition for Confidential Protection was served via U.S. mail, first-class, postage prepaid, this 28th day of March 2008 upon the following persons:

Dennis G. Howard II
Lawrence W. Cook
Assistant Attorneys General
Office of the Kentucky Attorney General
Office of Rate Intervention
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204

A handwritten signature in black ink, appearing to read "W. James ZITA", written over a horizontal line.

Counsel for Kentucky Utilities Company
and Louisville Gas and Electric Company