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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE 2011 JOINT INTEGRATED)	
RESOURCE PLAN OF LOUISVILLE GAS)	CASE NO. 2011-00140
AND ELECTRIC COMPANY AND)	
KENTUCKY UTILITIES COMPANY)	

PETITION FOR CONFIDENTIAL PROTECTION

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively “Companies”) 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 Companies seek to provide in the corrected supplemental response to the Second Set of Interrogatories and Requests for Production of Documents of Rick Clewett, Drew Foley, Janet Overman, Gregg Wagner, the Natural Resources Defense Council, and the Sierra Club (“Environmental Interveners”) No. 25(e). In support of this Petition, the Companies state as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure commercially sensitive 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. The confidential information contained in the Companies’ corrected response to Environmental Interveners’ DR No. 25(e) includes projected fuel prices the Companies purchased from reputable vendors to enable the Companies to make prudent business decisions of several kinds, including fuel contracting decisions and environmental-compliance decisions.

If the Commission grants public access to this information, the vendors from whom the Companies purchased the fuel forecast information at issue could refuse to do business with the utilities in the future, which would do serious harm to the Companies' ability to make prudent fuel contract, environmental compliance, and other decisions. All such commercial harms would ultimately harm the Companies' customers. Moreover, publicly disclosing such information would do immediate and costly harm to the firms from which the Companies purchased the fuel forecast information at issue; the firms derive significant revenues from developing and selling such forecasts to customers under strict license agreement obligations not to disclose. Any public disclosure of the forecasts would render them commercially worthless.

3. The Companies have obtained consent from the fuel forecast vendors to disclose on a limited basis the confidential information described herein, pursuant to an acceptable protective agreement, to interveners with legitimate interests in reviewing the same for the purpose of participating in this case.

4. The Commission has given confidential treatment to projected fuel cost information in previous IRP cases. For example, see the Commission's letter to the Companies dated May 1, 2008, concerning the Companies' 2008 IRP case (Case No. 2008-00148); the Commission's letter to the Companies dated April 28, 2005, concerning the Companies' 2005 IRP case (Case No. 2005-00162); the Commission's letter to the Companies dated October 24, 2002, concerning the Companies' 2002 IRP case (Case No. 2002-00367); and the Commission's letter to the Companies dated March 6, 2000, concerning the Companies' 1999 IRP case (Case No. 99-430).

5. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect the Companies' due process rights and (b) to supply the

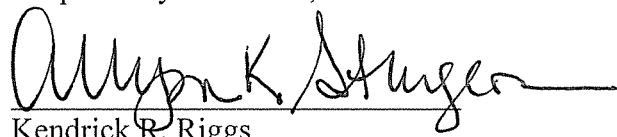
Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

6. In accordance with the provisions of 807 KAR 5:001, Section 7, LG&E and KU are filing with the Commission one copy of the Confidential Information highlighted and ten (10) copies without the Confidential Information. The attachment to the Companies' response to DR No. 18(c) is voluminous and is being provided on compact disc pursuant to a Motion to Deviate, which is being filed contemporaneously herewith. The compact disc containing the confidential information has a yellow label; the other public copies have white labels.

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 and evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated: November 3, 2011

Respectfully submitted,



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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), overnight delivery, or hand-delivery this 3rd day of November 2011, upon the following persons:


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