

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY AND KENTUCKY UTILITIES)	
COMPANY REGARDING ENTRANCE INTO)	CASE NO.
REFINED COAL AGREEMENTS, FOR PROPOSED)	2015-00264
ACCOUNTING AND FUEL ADJUSTMENT CLAUSE)	
TREATMENT, AND FOR DECLARATORY RULING)	

ORDER

On February 2, 2017, Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) (collectively, LG&E/KU) filed a petition, pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for an indefinite period to a short-term Operation Agreement and Exclusivity and Fees Agreement with Tinum Group, LLC, formerly known as Clean Coal Solutions, LLC, refined coal agreements and related documents.

In support of their petition, LG&E/KU state that the designated materials contain confidential technical and pricing information that, if publicly disclosed, could hinder LG&E/KU's ability to receive the best proposals and procure the best contract terms in future negotiations. LG&E/KU assert that counterparties are more likely to respond to requests for proposals from LG&E/KU or to offer concessions in contract terms when counterparties know that sensitive proprietary information will not be publicly disclosed to competitors. LG&E/KU state that, for these reasons, the designated materials are generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in the Operation Agreement and Exclusivity and Fees Agreement are records that are generally recognized as confidential or proprietary, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. LG&E/KU's motion for confidential protection for the designated materials in the Operation Agreement and Exclusivity and Fees Agreement is granted.
2. The designated materials for which LG&E/KU requested confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. LG&E/KU shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then LG&E/KU shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow LG&E/KU to seek a remedy afforded by law.

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By the Commission

ENTERED
DEC 07 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2015-00264

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