

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| APPLICATION OF LOUISVILLE GAS AND |) | |
| ELECTRIC COMPANY FOR CERTIFICATES OF |) | |
| PUBLIC CONVENIENCE AND NECESSITY AND |) | CASE NO. |
| APPROVAL OF ITS 2016 COMPLIANCE PLAN |) | 2016-00027 |
| FOR RECOVERY BY ENVIRONMENTAL |) | |
| SURCHARGE |) | |

ORDER

On March 24, 2016, Louisville Gas and Electric Company (“LG&E”) filed a petition, pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to LG&E’s responses to Commission Staff’s First Request for Information (“Staff’s First Request”), Items 13, 15, and 16, for a period of five years. The designated materials for which confidential protection is requested in LG&E’s responses to Staff’s First Request, Items 13, 15, and 16, are more specifically described as dispatch costs for the combined generating fleet of LG&E and its sister utility, Kentucky Utilities Company; replacement generating capacity costs used in LG&E’s cost-benefit analyses; financial information, including costs negotiated with vendors; and confidential transmission information.

In support of its petition requesting confidential treatment, LG&E asserts that the designated materials contain commercially sensitive information that if publicly disclosed would place LG&E at a competitive disadvantage and could impede LG&E’s ability to procure the best contract terms in negotiations with other entities, which would result in harm to LG&E customers by increasing the cost of service. LG&E

states that the designated materials in its responses to Staff's First Request, Items 13, 15, and 16, are generally recognized as confidential and thus exempt from public disclosure pursuant to KRS 61.878(1)(c). LG&E further states that that federal law¹ prohibits the public disclosure of confidential transmission information, such as that contained in LG&E's responses to Staff's First Request, Items 13, 15, and 16, and thus the confidential transmission information in LG&E's responses to Staff's First Request, Items 13, 15, and 16, are exempt from public disclosure pursuant to KRS 61.878(1)(k).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in LG&E's responses to Staff's First Request, Items 13, 15, and 16, are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, could result in commercial harm to LG&E, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1), KRS 61.878(1)(k), and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. LG&E's petition for confidential protection for its responses to Staff's First Request, Items 13, 15, and 16, is granted.
2. The materials set forth in LG&E's responses to Staff's First Request, Items 13, 15, and 16, shall not be placed in the public record or made available for public inspection for a period of five years, 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).

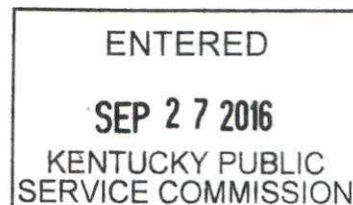
¹ 18 C.F.R. Part 358.

4. LG&E 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 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 is 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 to seek a remedy afforded by law.

By the Commission



ATTEST:


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