

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR A CERTIFICATE)	CASE NO.
OF PUBLIC CONVENIENCE AND NECESSITY)	2017-00483
AND APPROVAL OF AMENDMENT TO ITS)	
2016 COMPLIANCE PLAN FOR RECOVERY)	
BY ENVIRONMENTAL SURCHARGE)	

ORDER

On January 26, 2018, Kentucky Utilities Company (“KU”) filed a petition, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to the Direct Testimony of Stuart A. Wilson (“Wilson Testimony”) and to the Wilson Testimony, Exhibit SAW-1 (“Exhibit SAW-1”) for a period of five years. The Wilson Testimony and Exhibit SAW-1 contain bid proposals and projected costs for the disposal of coal-combustion residuals (“CCR”).

In support of its petition, KU states that the designated materials contain commercially sensitive information that, if publicly disclosed, could place KU at a competitive disadvantage. KU asserts that public disclosure of the designated materials could impede KU’s ability to procure the best contract terms in negotiations with other entities because potential vendors would know the price ceiling that KU would pay for certain services, and thus reduce vendors’ incentive to provide their most competitive bids.

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in the Wilson Testimony and Exhibit SAW-1 are records generally recognized as confidential or proprietary, which, if openly disclosed, would permit an unfair commercial advantage to competitors. Therefore, the designated materials 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. KU's motion for confidential protection for the Wilson Testimony and Exhibit SAW-1 is granted.
2. The designated materials 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 designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. KU shall inform the Commission if the designated materials 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, 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 KU 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 KU to seek a remedy afforded by law.

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By the Commission



ATTEST:


Executive Director

Case No. 2017-00483

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