

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

JAN 22 2010

EWING LEE BROWN

PUBLIC SERVICE
COMMISSION

COMPLAINANT

V.

CASE NO. 2009-00421

KENTUCKY UTILITIES COMPANY

DEFENDANT

**PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(a) to grant confidential protection for the items described herein, which KU has provided in support of its Response to Question No. 7 of the Commission Staff’s First Data Request dated January 8, 2010 filed in this proceeding. In support of this Petition, KU states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy. KRS 61.878(1)(a).

2. In its Response to the Question No. 7 of the Data Requests of Commission Staff, KU attached a CD which contains recordings of telephone conversations between Complainant and representatives of KU. These recordings contain some personal information, such as the Complainant’s account number, and merits confidential protection because KU believes that

revealing their contents in the public record could result in an unwarranted invasion of personal privacy.

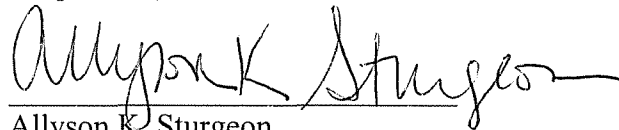
3. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

4. KU will disclose the confidential documents, pursuant to a protective agreement, to intervenors and others with a legitimate interest in this information and as required by the Commission. In accordance with the provisions of 807 KAR 5:001 Section 7, KU herewith files with the Commission one copy of the above-discussed CD with the confidential information audible and ten (10) copies of the CD with the confidential information redacted.

WHEREFORE, Kentucky Utilities Company respectfully requests 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: January 22, 2010

Respectfully submitted,



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Counsel for Kentucky Utilities Company

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, this 22nd day of January, 2010, upon the following persons:

Ewing Brown
824 Sunset A
Lexington, KY 40502


Counsel for Kentucky Utilities Company