

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES	)	
COMPANY FOR AN ADJUSTMENT OF ITS	)	CASE NO. 2012-00221
ELECTRIC RATES	)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On July 13, 2012, Kentucky Utilities Company (“Movant”) moved pursuant to 807 KAR 5:001, Section 7,<sup>1</sup> that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the materials in question are contained in its Responses to the Commission’s First Request for Information Nos. 46, 26(a)(8), and 43, and more particularly described as salary and other personal information regarding employees with the exception of identified employees; federal and state tax returns; and revised Blake Exhibit 2 and Analysis of the Embedded Cost of Capital. Movant’s justification for confidential protection is that disclosure of employee information would result in an unwarranted invasion of personal privacy as described in KRS 61.878(1)(a); state and federal tax returns are exempt pursuant to KRS 61.878(1)(k); and disclosure of the remaining items could result in a competitive disadvantage to Kentucky Utilities Company as set out in KRS 61.878(1)(c)(1).

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<sup>1</sup> On January 4, 2013, the Commission’s confidentiality regulation was revised and renumbered as 807 KAR 5:001, Section 13.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials regarding Kentucky Utilities Company Responses to Requests for Information Nos. 26(a)(8) and 43 for which Movant seeks confidential treatment do meet the criteria for protection and are exempted from public disclosure pursuant to KRS 61.878(1)(a), (KRS 61.878(1)(k), KRS 61.878(1)(c)(1), and 807 KAR5:001, Section 13, and should not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of this Commission.

2. Kentucky Utilities Company has failed to demonstrate that the materials regarding Kentucky Utilities Company Response to Requests for Information No. 46 described as executive officer salary meet the criteria for protection pursuant to KRS 61.878 and 807 KAR 5:001, Section 13. The Commission has previously denied confidentiality for salary and compensation for executive officers.

The Commission's decision to deny confidential protection to executive officer salary information is based upon the fact that salaries are included as an expense in base rate calculations. As a result, the ratepayers are required to pay the employee salaries. In addition, salaries of certain officers are subject to public dissemination in regulatory filings. The Commission notes that this denial is consistent with its decision in Kentucky Utilities Company's last rate case denying confidential protection to executive officers' salary information.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted in part and denied in part.

2. The materials regarding Kentucky Utilities Company Responses to Requests for Information Nos. 26(a) and 43 for which Movant seeks confidential treatment is hereby granted confidential protection and shall not be placed in the public record nor made available for public inspection for an indefinite time period, or until further Order of this Commission.

3. The materials regarding Kentucky Utilities Company Responses to First Requests for Information No. 46 containing executive officer salary information does not fall within the scope of KRS 61.878 and, therefore, is denied confidential protection. These items shall be placed in the public record after the expiration of time provided by statute to seek a rehearing pursuant to KRS 278.400 or judicial review pursuant to KRS 278.410.

4. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Movant shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

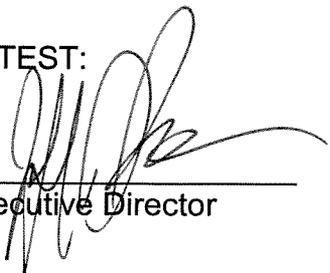
6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is

unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission

ENTERED  
SEP 18 2013  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

Case No. 2012-00221

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