

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
KENTUCKY UTILITIES COMPANY AND)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
FOR CERTIFICATES OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY AND SITE)	2022-00402
COMPATIBILITY CERTIFICATES AND)	
APPROVAL OF A DEMAND SIDE MANAGEMENT)	
PLAN AND APPROVAL OF FOSSIL FUEL-FIRED)	
GENERATING UNIT RETIREMENTS)	

ORDER

On May 10, 2023, Louisville Gas and Electric Company and Kentucky Utilities Company (jointly, LG&E/KU) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years for Exhibit SB4-2 to the Direct Testimony of Stuart A. Wilson.

LG&E/KU requested confidential treatment for the designated material under KRS 61.878(1)(c)(1). The designated material is more specifically described as: responses received to LG&E/KU's 2022 request for proposal (RFP) for generation resources and LG&E/KU's analysis of those RFP responses; projected fuel expenses used in the analysis of the RFP responses; and maintenance schedules for existing generation, which reveal when generating facilities will be taken down for maintenance.

In support of its motion, LG&E/KU argued public disclosure of the designated material related to the RFP responses and analysis would disrupt the competitive bid process and harm LG&E/KU's ability to negotiate the most favorable contract terms in the

future. LG&E/KU stated that the Commission granted confidential treatment to similar RFP responses and analysis in Case No. 2020-00016.¹ LG&E/KU further argued that public disclosure of the projected fuel expenses could adversely impact LG&E/KU's ability to negotiate the most favorable contract terms in the futures and thus place LG&E/KU at a competitive disadvantage. Finally, LG&E/KU argued that public disclosure of dates when existing generating facilities are taken down for maintenance would allow suppliers to manipulate the price of power bid to the LG&E/KU, which could result in higher prices to LG&E/KU and to its ratepayers.

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment under 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), and should be exempt from public disclosure. This is because the RFP responses and analysis, projected fuel costs, and maintenance schedule for generating facilities are the type of records that, if publicly disclosed, could result in commercial harm to LG&E/KU and potentially its ratepayers through an adverse impact on LG&E/KU's ability to negotiate future contracts and through higher prices paid by LG&E/KU.

IT IS THEREFORE ORDERED that:

1. LG&E/KU's motion for confidential treatment is granted.

¹ Case No. 2020-00016, *Electronic Application of Louisville Gas and Electric Company and Kentucky Utilities Company for Approval of a Solar Power Contract and Two Renewable Power Agreements to Satisfy Customer Requests for a Renewable Energy Source Under Green Tariff Option #3* (Ky. PSC May 8, 2022).

2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission.

3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. LG&E/KU shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, LG&E/KU shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow LG&E/KU to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
AUG 17 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

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