

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR AUTHORITY TO)	CASE NO.
TRANSFER THE FORMER MIDDLESBORO)	2024-00198
BUSINESS OFFICE PURSUANT TO KRS 278.218)	

ORDER

On August 12, 2024, Kentucky Utilities Company (KU) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period, or in the alternative, until such time as the real estate transactions have closed, for the third-party appraisal report for the Middlesboro Business Office.

In support of its petition, KU argued that public disclosure of the third-party appraisal report would cause competitive harm because it would disadvantage KU in negotiating the sale of the Middlesboro Business Office and could result in a less competitive sales process.¹ KU further stated that the third-party appraisal report contains commercially sensitive information that is not publicly available and is critical to the success of KU's foreseeable real estate transactions.² KU stated that the information is generally recognized as confidential and proprietary.³ Additionally, KU stated that it

¹ KU's Petition for Confidential Protection (Petition for Confidential Treatment) (filed Aug. 12, 2024) at 2.

² Petition for Confidential Treatment at 2.

³ Petition for Confidential Treatment at 3.

has no publication rights associated with the report and the appraisal report states that it may neither be used by any person or corporation other than KU nor copied without the written consent of the signing appraisers.⁴

Having considered the petition and the material at issue, the Commission finds that third-party appraisal report is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. KU's August 12, 2024 petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection until such time as the real estate transactions for the Middlesboro Business Office have closed, 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. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, KU shall inform the Commission and file with the Commission an unredacted copy of the designated material.
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, KU shall have 30 days from receipt of

⁴ Petition for Confidential Treatment at 1-2.

written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If 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 KU to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ATTEST:



Executive Director



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