

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

**PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY AND
KENTUCKY UTILITIES COMPANY FOR CONFIDENTIAL PROTECTION**

Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") (jointly the "Companies"), pursuant to 807 KAR 5:001, Section 13, respectfully petition the Kentucky Public Service Commission ("Commission") to classify as confidential and protect from public disclosure their Transaction Confirmation for delivered gas supply with a non-pipeline counterparty provided by the Companies as part of their filing obligations under 807 KAR 5:056, Section 2.

In support of this Petition, the Companies state as follows:

1. Natural gas pipeline constraints and limited available traditional pipeline transport capacity have compelled the Companies to secure delivered gas supply from non-pipeline counterparties where possible to mitigate higher costs and completion risk of new capacity built by pipeline companies. Confidential protection of the terms of the Companies' recent transaction with a non-pipeline counterparty with contractual rights to gas pipeline supply is needed to preserve these options for the Companies to pursue opportunities for cost savings for customers.

2. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission. *See* KRS 61.878(1)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

3. Disclosure of the Transaction Confirmation entered into by the Companies could damage the Companies' competitive position and business interests. There are a limited number of non-pipeline counterparties that hold access to the pipeline transport necessary to offer the delivered natural gas supply required by the Companies. The Transaction Confirmation is based on the cost of gas plus the market value of the transport to deliver such gas to the interconnection point serving the plant. If made public, the transport premium the Companies negotiated with the non-pipeline counterparty could become a price floor in future negotiations or at least provide some price discovery to other shippers participating in the market which could result in higher costs to the Companies' customers.

4. In addition, non-pipeline counterparties do not want the terms of the deals the Companies negotiate with them to become the template or set the minimum expectations for deals the Counterparties negotiate with other companies. If the terms of the Companies' Transaction Confirmation are made public, counterparties will be less likely to work with the Companies regarding terms and pricing knowing that such terms and pricing will be made public and possibly used to commercially disadvantage the Companies and non-pipeline counterparties the Companies contract with.

5. The Companies' Transaction Confirmation contains, among other terms, quantity and pricing terms between the Companies and the non-pipeline counterparty which in turn affects the prices the Companies are willing to pay and the terms the Companies are willing to agree to in order to purchase natural gas necessary to its generation processes. If the Commission grants public access to this information, the Companies' current and potential non-pipeline counterparties could manipulate their bids to the detriment of the Companies and their ratepayers by tailoring bids to

correspond to and comport with the Companies' natural gas procurement cost evaluation criteria and process.

6. Moreover, in an attempt to mitigate the unfair commercial advantage that would be gained by release of the Companies' Transaction Confirmation, the information contained in the Transaction Confirmation is subject to confidentiality provisions in the parties' enabling base contract for the purchase and sale of gas which requires that in the event that disclosure is required by a governmental body or applicable law, the Companies are required to promptly notify the non-pipeline counterparty to permit it to obtain protective orders or similar restraints with respect to such disclosure.

7. In the past, the Commission has treated similar information confidential in the context of the Companies' procurement of coal. For example, the Commission has previously found that the Companies' settlement agreements with its coal suppliers and the procedures the Companies follow and the factors/inputs they consider in evaluating bids for coal supply were confidential or proprietary, and therefore met the criteria for confidential treatment and were exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.¹

8. The information for which the Companies are seeking confidential treatment is disseminated only to those employees with a legitimate business need to know and act upon the information and the non-pipeline counterparties the Companies are or considering contracting

¹ See e.g. *Electronic Application of the Application for the Fuel Adjustment Clause of Kentucky Utilities Company From May 1, 2023 through October 31, 2023*, Case No. 2024-00146, Order (Ky. PSC November 24, 2024); *Electronic Application of the Application for the Fuel Adjustment Clause of Louisville Gas and Electric Company From May 1, 2023 through October 31, 2023*, Case No. 2024-00147, Order (Ky. PSC November 24, 2024); *Electronic Application of the Application for the Fuel Adjustment Clause of Louisville Gas and Electric Company From November 1, 2014 through October 31, 2016*, Case No. 2017-00004, Order (Ky. PSC August 23, 2017); see also *Electronic Application of the Application for the Fuel Adjustment Clause of Louisville Gas and Electric Company From May 1, 2015 through October 31, 2015*, Case No. 2016-00004, Order (Ky. PSC January 2, 2019).

with. Such information is generally recognized as confidential and proprietary information in the energy industry.

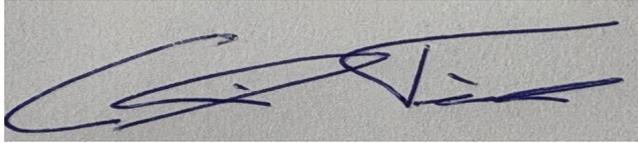
9. The Companies do not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in any case or proceeding that arises out of this filing. However, the Companies reserve the right to object to providing the Confidential Information to any intervenor if said provision could result in liability to the Companies under any Confidentiality Agreement or Non-Disclosure Agreement. As required by 807 KAR 5:001, Section 13(2)(a)3, the Companies are providing one copy of this filing, under seal, with the material for which confidential protection is requested highlighted. In accordance with the Commission's July 22, 2021 Order in Case No. 2020-00085 ("Electronic Emergency Docket Related to the Novel Coronavirus COVID-19") ("COVID-19 Order") the filing with the confidential material redacted will be part of the electronic filing.

10. The information described herein demonstrates on its face that it merits confidential protection. If the Commission disagrees, however, it must hold an evidentiary hearing to protect the due process rights of the Companies and supply the Commission with a complete record to enable it to reach a decision with regard to this matter.²

WHEREFORE, Louisville Gas and Electric Company and Kentucky Utilities Company respectfully request the Commission grant confidential protection to the information designated as confidential for a period of five years from the date of filing the same.

² See *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, Ky. App., 642 S.W.2d 591, 592-94 (1982).

Dated: March 20, 2026

A handwritten signature in blue ink, appearing to read "S. Judd", is shown on a light-colored background.

Sara V. Judd
Senior Counsel
Christopher C. Tieke
Counsel
PPL Services Corporation
2701 Eastpoint Parkway
Louisville, Kentucky 40223
Telephone: (502) 627-2088
Fax: (502) 627-3367
svjudd@pplweb.com
cctieke@pplweb.com
*Counsel for Louisville Gas and Electric Company
and Kentucky Utilities Company*

CERTIFICATE OF COMPLIANCE

In accordance with the Commission's Order on July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on March 20, 2026 and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

A handwritten signature in blue ink, appearing to be 'G. A. [unclear]', written on a light-colored background.

*Counsel for Louisville Gas and Electric Company and
Kentucky Utilities Company*