

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)
COMMISSION OF THE APPLICATION OF THE)
FUEL ADJUSTMENT CLAUSE OF KENTUCKY) CASE NO. 9173-C
UTILITIES COMPANY FROM NOVEMBER 1, 1985,)
TO APRIL 30, 1986)

O R D E R

On October 17, 1986, Kentucky Utilities ("KU") filed a petition requesting the Commission to grant confidential treatment to the material and information contained in KU's response to the Commission's Order entered in this case on September 17, 1986. That Order directed KU to provide a detailed study analyzing the available options for transporting coal to the Ghent Generating Station.

KU requests that its response be classified as proprietary and confidential commercial information pursuant to 807 KAR 5:001 Section 7. In support of its petition, KU states that its response discloses facts, negotiating strategies and internal decisions that are not public knowledge. The disclosure of this information and material would impair KU's present negotiations for transportation of coal and adversely affect its coal delivery costs.

Based on KU's petition and the evidence of record, the Commission is of the opinion and hereby finds that good cause

exists to classify as confidential those portions of KU's response containing competitive, commercial information not publicly available. However, a review of KU's response indicates that the first four to five pages contain a discussion of historic factual and procedural events not disclosing commercial information. Consequently, KU should file for public viewing a copy of its response with only the confidential commercial information deleted. The Commission further finds that since the purpose of this determination is to prevent competitive injury and not to hinder participation in this proceeding by non-competitive parties, KU shall provide the confidential portions of its response to any non-competitive party to this case upon their execution of a confidentiality agreement with KU.

IT IS THEREFORE ORDERED that KU's petition for confidentiality of its response be and it hereby is granted to the extent of the commercial information contained therein. KU shall file an edited version of its response for public review and shall provide non-competitive parties the confidential response upon execution of a confidentiality agreement.

Done at Frankfort, Kentucky this 3rd day of November, 1986.

PUBLIC SERVICE COMMISSION

Richard D. Herman, Jr.
For The Commission

ATTEST:

Executive Director