

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF KENTUCKY UTILITIES COMPANY)
FOR CONFIDENTIAL PROTECTION OF)
CERTAIN INFORMATION CONTAINED) CASE NO. 97-197
IN BARGE TRANSPORTATION AND COAL)
PURCHASE CONTRACTS)

O R D E R

This matter arising upon petition of Kentucky Utilities Company ("KU"), filed April 8, 1997, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the rates charged KU for coal and for transportation in certain contracts, on the grounds that disclosure of the information is likely to cause KU competitive injury, and it appearing to this Commission as follows:

Electric utilities whose rates are determined in part by their implementation of an automatic fuel adjustment provision in their tariffs, are required by 807 KAR 5:006, Section 1(7), to file with the Commission copies of each agreement used to procure fossil fuels for the generation of power. In accordance with that requirement, KU has filed a letter and attachment containing the rates in a barge transportation agreement with the Crouse Corporation, a Purchase Order dated October 1, 1996, for the supply of coal to KU's Ghent Generating Station Unit #1 by Consol Inc., and a Purchase Order dated January 29, 1997, for the supply and delivery of coal to KU's Green River Generating Station by Lanham

Mining, Inc. By this petition, KU seeks to protect the terms of their agreements with these companies confidential on the grounds that disclosure is likely to cause KU competitive injury.

The confidentiality of documents filed pursuant to the requirements of 807 KAR 5:056, Section 1(7), is also subject to the provision of Subsection (10) of Section 1. That Subsection provides: "Copies of all documents required to be filed with the Commission under this regulation shall be open and made available for public inspection at the office of the Public Service Commission pursuant to the provisions of KRS 61.870 through 61.884." In applying this regulation, the Commission has consistently denied protection to such documents. Therefore, the petition to protect the information as confidential should be denied.

This Commission being otherwise sufficiently denied,

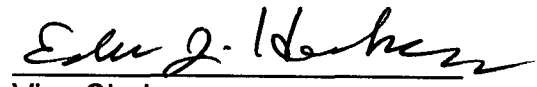
IT IS ORDERED that:


1. The petition to protect as confidential the transportation and rate agreements filed pursuant to the provisions of the Fuel Adjustment Clause is hereby denied.
2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order.
3. At the expiration of the 20-day period, the information shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 29th day of May, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director