

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF LOUISVILLE GAS AND ELECTRIC)
COMPANY AND KENTUCKY UTILITIES COMPANY)
FOR CONFIDENTIAL TREATMENT OF CERTAIN) CASE NO. 2000-454
INFORMATION CONTAINED IN COAL SUPPLY AND)
TRANSPORTATION CONTRACTS)

ORDER

On August 18, 2000, Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (jointly “the Petitioners”) petitioned the Executive Director of the Commission, the official custodian of all Commission records,¹ for confidential treatment of certain information contained in certain coal supply and transportation contracts. On September 6, 2000, the Executive Director denied this petition.² The Petitioners now petition the Commission for confidential protection of the information in question and for an informal conference with Commission Staff.³

Having considered the petition and being otherwise sufficiently advised, the Commission finds that the Petitioners’ petition poses significant policy issues that should be explored through an evidentiary hearing and that a procedural schedule

¹ See KRS 278.100.

² Letter from Thomas M. Dorman, Executive Director, Public Service Commission of Kentucky, to Douglas M. Brooks, Senior Counsel Specialist, LG&E (Sep. 6, 2000).

³ Letter from Robert M. Hewitt, Group Executive, Regulatory Affairs, LG&E Energy, to Thomas M. Dorman, Executive Director, Public Service Commission of Kentucky (Sep. 26, 2000).

should be established to allow for a full examination of these issues. We further find that no informal conference should be scheduled before discovery and the submission of written testimony and that the Petitioners' request for such conference should be denied without prejudice.

IT IS THEREFORE ORDERED that:

1. A formal hearing in this matter shall be held on December 6, 2000 at 9:30 a.m., Eastern Standard Time, in Hearing Room 2 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

2. The Petitioners shall, no later than October 23, 2000, file with the Commission, the prepared written testimony of the witnesses that they intend to present at the scheduled hearing in this matter.

3. All parties and Commission Staff may, on or before November 6, 2000, serve upon the Petitioners their requests for production of documents and written interrogatories.

4. The Petitioners shall, no later than November 20, 2000, serve on all parties and Commission Staff their responses to all requests for production of documents and written interrogatories.

5. At any hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.

6. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

7. When filing with the Commission any document required by this Order, the party or parties making such filing shall file the original and 6 copies with the Commission and shall serve a copy upon each party of record.

8. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

9. To be timely filed with the Commission, a document must be received by the Secretary of the Commission within the specified time for filing except that any document shall be deemed timely filed if a facsimile of that document has been electronically transmitted to the Secretary within the time allowed for filing, the transmittal document accompanying the facsimile transmission states that the document has been placed into the United States mail, and the original document is subsequently received by the Commission.

Done at Frankfort, Kentucky, this 9th day of October, 2000.

By the Commission

ATTEST:


Executive Director