

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2021 JOINT INTEGRATED	)	
RESOURCE PLAN OF LOUISVILLE GAS AND	)	CASE NO.
ELECTRIC COMPANY AND KENTUCKY	)	2021-00393
UTILITIES COMPANY	)	

ORDER

On October 19, 2021, Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) (jointly, LG&E/KU) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1), requesting that the Commission grant confidential treatment for five years for certain material contained in their 2021 Integrated Resource Plan (IRP).¹ The designated material is more specifically described as follows:

1. Information regarding power production costs, including projected fuel, capital, and production costs. LG&E/KU asserts that public disclosure of this material could disadvantage them in negotiating fuel contracts in the future, resulting in higher fuel prices, and could harm LG&E/KU's competitive position in the wholesale energy market because fuel costs are key components of energy pricing. LG&E/KU request confidential treatment for this material under KRS 61.878(1)(c)(1), which exempts information that, if publicly disclosed, would permit an unfair commercial advantage to LG&E/KU's competitors.

¹ LG&E/KU's Joint Petition for Confidential Protection (Petition) (filed Oct. 19, 2021).

2. Information obtained from a third party that is contained in IHS Market's U.S. Economy: The 30-Year Focus, which comprises information regarding long-range projections in the marketplace. The designated material consists of proprietary information that IHS authorized to be disclosed under confidential treatment. LG&E/KU assert that public disclosure of this material could result in third-party suppliers unwilling to supply reports to LG&E/KU in the future, which could diminish LG&E/KU's ability to receive similar information in the future, which, in turn, would harm LG&E/KU and their customers. LG&E/KU request confidential treatment for this material under KRS 61.878(1)(c)(1), which exempts information that, if publicly disclosed, would permit an unfair commercial advantage to LG&E/KU's competitors.

3. Information regarding projected sales prices. LG&E/KU assert that public disclosure of this material would provide a competitive disadvantage to them in negotiating power requirement contracts in the wholesale market, which would harm LG&E/KU's retail and wholesale customers. LG&E/KU request confidential treatment for this material under KRS 61.878(1)(c)(1), which exempts information that, if publicly disclosed, would permit an unfair commercial advantage to LG&E/KU's competitors.

4. Information regarding LG&E/KU's transmission infrastructure. LG&E/KU assert that public disclosure of this material would reveal the location, configuration, and security of its critical systems. LG&E/KU request confidential treatment for this material under KRS 61.878(1)(m), which prohibits public disclosure of critical infrastructure information that would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act.

LG&E/KU argue that the Commission granted confidential treatment to similar information provided in previous IRP cases.² Having considered the Petition and the material at issue, the Commission finds that “(i) information regarding projected fuel costs and other power production costs; (ii) information in reports regarding long-term marketplace projections; [and] (iii) information regarding projected sales prices and revenue requirements”³ are generally recognized as confidential or proprietary, which if released, may result in an unfair competitive advantage, and therefore meets the criteria for confidential treatment and are exempted from public disclosure for a period of five years pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1). The Commission further finds that the transmission infrastructure information detailed in item (iv), “infrastructure information that, if publicly released, could threaten public safety,”⁴ meets the criteria for confidential treatment and is exempted from public disclosure for an indefinite period pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m). Thus, the Commission finds that LG&E/KU’s October 19, 2021 Petition for confidential treatment should be granted.

IT IS THEREFORE ORDERED that:

1. LG&E/KU’s October 19, 2021 Petition for confidential treatment is granted.

² See Case No. 2011-00140, *The 2011 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Oct. 10, 2011); Case No. 2008-00148, *The 2008 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Apr. 28, 2005); Case No. 2002-00367, *The Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Oct. 24, 2002); and Case No. 99-430, *The Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Mar. 6, 2000).

³ LG&E/KU’s Oct. 19, 2021 Petition at 1, first paragraph.

⁴ LG&E/KU’s Oct. 19, 2021 Petition at 1, first paragraph. .

2. The designated material relevant to LG&E/KU's Petition items (i), (ii), and (iii)⁵ granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years from the date it was filed or until further order of this Commission.

3. The designated material relevant to LG&E/KU's Petition item (iv)⁶ granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further order of this Commission.

4. 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).

5. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, LG&E/KU shall inform the Commission and file with the Commission an unredacted copy of the designated material.

6. 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, LG&E/KU shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/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.

⁵ LG&E/KU's Oct. 19, 2021 Petition at 1, first paragraph.

⁶ LG&E/KU's Oct. 19, 2021 Petition at 1, first paragraph.

7. 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 LG&E/KU to seek a remedy afforded by law.

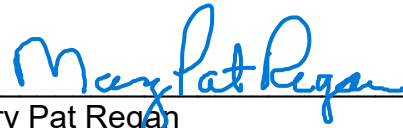
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Entered on this 24th day of July, 2026.

PUBLIC SERVICE COMMISSION



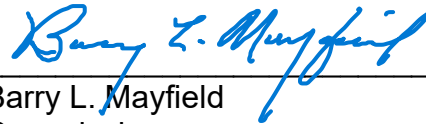
Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for Case 2021-00393

- * Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204
- * Ashley Wilmes
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602
- * Honorable Allyson K Sturgeon
Vice President and Deputy General Counsel-Regulatory and PPL
LG&E and KU Energy LLC
220 West Main Street
Louisville, KY 40202
- * Clay A. Barkley
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KY 40202
- * Honorable David Edward Spenard
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KY 40202
- * Tom Fitzgerald
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602
- * Jeff Derouen
Assistant County Attorney
Louisville/Jefferson County Metro Government
First Trust Centre
200 South 5th Street, Suite 300N
Louisville, KY 40202
- * Jody Kyler Cohn
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202
- * Denotes served by Email

* Joe F. Childers
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KY 40507

* John G Horne, II
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

* Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KY 40202-2828

* Kristin Henry
Staff Attorney
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CA 94612

* Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* J. Michael West
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

* Quang Nguyen
Assistant County Attorney
Louisville/Jefferson County Metro Government
First Trust Centre
200 South 5th Street, Suite 300N
Louisville, KY 40202

* Rick E Lovekamp
Manager - Regulatory Affairs
LG&E and KU Energy LLC
220 West Main Street
Louisville, KY 40202

* Robert Conroy
Vice President, State Regulation and Rates
LG&E and KU Energy LLC
220 West Main Street
Louisville, KY 40202

* Randal A. Strobo
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KY 40202

* Kentucky Utilities Company
2701 Eastpoint Parkway
P. O. Box 32010
Louisville, KY 40223

* Louisville Gas and Electric Company
2701 Eastpoint Parkway
Louisville, KY 40223