

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES	)	
COMPANY FOR AN ADJUSTMENT OF ITS	)	CASE NO. 2012-00221
ELECTRIC RATES	)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On August 14, 2012, Kentucky Utilities Company (“Movant”) moved pursuant to 807 KAR 5:001, Section 7,<sup>1</sup> that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the information it is requesting to be held confidential is contained in its Responses to Commission’s Second Request for Information Nos. 38 and 75. The information is more particularly described as (DR 38) – supplier contracts with 3rd party vendors; and (DR 75) – Exhibits to Robert Conroy testimony containing customer-identifying information such as customer names and account numbers.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c), KRS 61.878(1)(a), and 807 KAR 5:001, Section 13.

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<sup>1</sup> On January 4, 2013, the Commission’s confidentiality regulation was revised and renumbered as 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment contained in Movant's Response to DR No. 38 should not be placed in the public record or made available for public inspection for a period of four years from the date of this Order, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

3. The materials for which Movant seeks confidential treatment contained in Movant's Response to DR No. 75 should not be placed in the public record or made available for public inspection for an indefinite period of time due to the personal nature of the information requested to be held confidential, the disclosure of which could result in an unwarranted invasion of personal privacy pursuant to KRS 61.878(1)(a).

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.

2. (a) The materials for which Movant seeks confidential treatment in Movant's Response to DR No. 75 shall not be placed in the public record nor made available for public inspection for an indefinite period of time pursuant to the exceptions under KRS 61.878(1)(a).

(b) The materials for which Movant seeks confidential treatment contained in Movant's Response to DR No. 38 are contracts that extend through March 2015 and shall not be placed in the public record nor made available for public inspection for a period of four years from the date of this Order. At the end of this period, the material shall be placed in the public record. The Movant may request that the material continue to be treated as confidential but must demonstrate that the material still falls within the exclusions established in KRS 61.878.

3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the materials in question after the end of the period set forth in ordering paragraph 2(b).

4. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

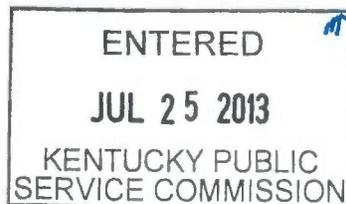
5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

ATTEST:

  
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Executive Director

By the Commission



Case No. 2012-00221

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