

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 September 12, 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 materials in question are contained in its Responses to the Attorney General's Supplemental Requests for Information No. 18, and more particularly described as total compensation in dollar amounts for certain named executive officers and one non-officer for which Kentucky Utilities Company's ratepayers are being requested to pay. The justification given for confidential protection is that disclosure of employee information would result in an unwarranted invasion of personal privacy as described in KRS 61.878(1)(a).

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

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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.

Kentucky Utilities Company has failed to demonstrate that the materials regarding Response to Attorney General's Supplemental Requests for Information No. 46 described as executive officer salary and compensation meet the criteria for protection pursuant to KRS 61.878 and 807 KAR5:001, Section 13. The Commission has previously denied confidentiality for salary and compensation for executive officers. However, the salary and compensation information of the one non-executive officer is entitled to protection from public disclosure due to a reasonable expectation of privacy in the information and, therefore, does meet the criteria for confidential protection, and should be redacted from the documents contained in the Response to the Attorney General's Supplemental Requests for Information No. 46.

The Commission's decision to deny confidential protection to executive officer salary information is based upon the fact that salaries are included as an expense in base rate calculations. As a result, the ratepayers are required to pay the employees' salaries. In addition, salaries of certain officers are subject to public dissemination in regulatory filings. The Commission notes that this denial is consistent with its decision in Kentucky Utilities' last rate case denying confidential protection to executive officers' salary information.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted in part and denied in part.
2. The materials regarding Kentucky Utilities Company's Response to Attorney General's Supplemental Requests for Information No. 46 containing executive

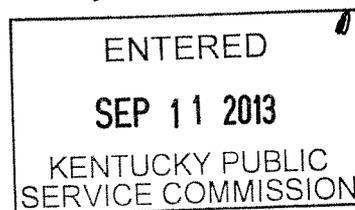
officer salary and compensation information do not fall within the scope of KRS 61.878 and, therefore, are denied confidential protection.

3. The salary and compensation information of the one non-executive officer does meet the criteria for confidential protection, as she is not an executive officer, and, therefore, could be redacted from the Response. A redacted version of the documents containing the one non-executive officer's salary information should be filed with the Commission prior to the expiration of the remedy time period set out below in paragraph (4).

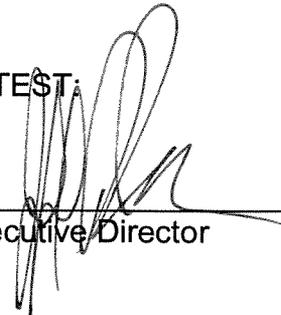
4. The documents contained in Kentucky Utilities Company's Response to Attorney General's Supplemental Requests for Information No. 46 shall be placed in the public record 23 days after the date of this Order, notwithstanding Kentucky Utilities Company's seeking a rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410.

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

By the Commission



ATTEST:

  
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Executive Director

Case No. 2012-00221

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