

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR AN ADJUSTMENT OF)	
ITS ELECTRIC AND GAS RATES, A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO. 2012-00222
NECESSITY, APPROVAL OF OWNERSHIP OF)	
GAS SERVICE LINES AND RISERS, AND A GAS)	
LINE SURCHARGE)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On September 12, 2012, Louisville Gas and Electric Company ("Movant") moved pursuant to 807 KAR 5:001, Section 7,¹ 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 Nos. 6, 12, 15, 16, 17, 18, 28, and 59, and more particularly described as total compensation in dollar amounts for certain officers; detailed information regarding injury and damage claims and settlements; and maps showing location of transmission pipelines, generating and regulator stations, and other distribution infrastructure. 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

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

61.878(1)(a); disclosure of infrastructure materials is exempt pursuant to KRS 61.878(1)(m) due to the possibility of a threat to public safety; and disclosure of remaining materials could result in a competitive disadvantage to Louisville Gas and Electric as described in KRS 61.878(1)(c)(1).

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

1. The materials in Responses to Attorney General's Supplemental Requests for Information Nos. 16, 28, and 59 meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(a), KRS 61.878(1)(c)(1), KRS 61.878(1)(m), and 807 KAR 5:001, Section 13.

2. Louisville Gas and Electric has failed to demonstrate that the materials contained in Responses to Attorney General's Supplemental Requests for Information Nos. 6, 12, 15, 17, and 18 regarding 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.

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 Louisville Gas and Electric's 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 Louisville Gas and Electric Company's Response to Attorney General's Supplemental Requests for Information Nos. 16, 28, and 59 are hereby granted confidential protection and shall not be placed in the public record for an indefinite time period, or until further Order of the Commission.

3. The materials regarding Louisville Gas and Electric Company's Response to Attorney General's Supplemental Requests for Information Nos. 6, 12, 15, 17, and 18 containing executive officer salary and compensation information do not fall within the scope of KRS 61.878 and, therefore, are denied confidential protection.

4. The documents contained in Louisville Gas and Electric Company's Response to Attorney General's Supplemental Requests for Information Nos. 6, 12, 15, 17, and 18 shall be placed in the public record 23 days after the date of this Order, notwithstanding Louisville Gas and Electric Company 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).

6. Movant shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

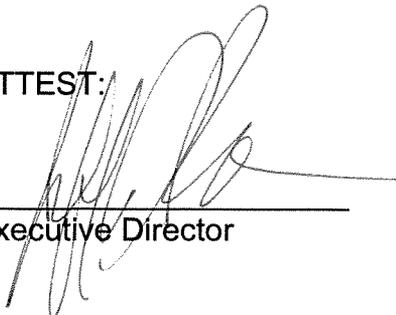
7. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from

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.

By the Commission

ENTERED
SEP 11 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2012-00222

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