

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)
ELECTRIC COMPANY TO MODIFY ITS)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 2012-00469
NECESSITY AS TO THE MILL CREEK UNIT 3)
FLUE-GAS DESULFURIZATION UNIT)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On November 30, 2012, Louisville Gas and Electric Company ("Movant") moved pursuant to 807 KAR 5:001, Section 13, 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 Response to Commission's First Request for Information Nos. 8 and 11. The information is more particularly described as: (D.R. 8) – the entire detailed report dated June 20, 2012 from the environmental division of Babcock Power Inc. ("BPEI"), which contains vendor cost estimates and related data; and (D.R. 11) – the entire Strategist Modeling files containing fuel prices, fuel contracting decisions, and environmental compliance.

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) and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite time period, or until further Order of this Commission.

3. Movant filed a simultaneous Motion for Deviation from the Commission's filing requirements as set out in 807 KAR 5:001, requesting that it be granted leave to file only an electronic copy of the materials contained in its Response to First Request for Information No. 11 due to the excessive volume of the filing.

IT IS THEREFORE ORDERED that:

1. Movant's Motion for Deviation from the filing requirements as set out in 807 KAR 5:001 is granted.

2. Movant's Motion for Confidential Protection is granted under the exemption of KRS 61.878(1)(c).

3. The materials for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection for an indefinite time period, or upon further Orders of this Commission.

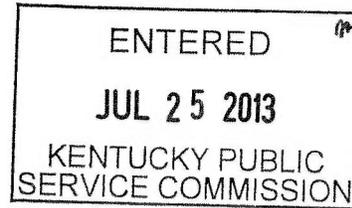
4. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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

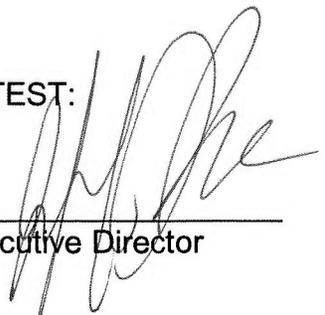
6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that 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.

By the Commission



ATTEST:



Executive Director

Case No. 2012-00469

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