

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF )  
THE FUEL ADJUSTMENT CLAUSE OF )  
KENTUCKY UTILITIES COMPANY FROM ) CASE NO. 2012-00552  
NOVEMBER 1, 2010 THROUGH OCTOBER 31, )  
2012 )

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On May 1, 2013, Kentucky Utilities 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 materials in question – settlement agreements with Movant’s coal suppliers – are records generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). Movant states that the terms of the settlement agreements, which settle litigation with its coal suppliers, are confidential, and requests that the settlement agreements be afforded confidential treatment.

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

1. The materials for which Movant seeks confidential treatment are records containing information which are generally recognized as confidential or proprietary, and

which if openly disclosed, would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection.

IT IS THEREFORE ORDERED that:

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

2. The materials for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection.

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

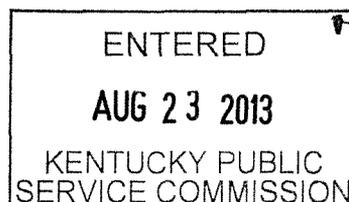
4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. 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:

*Stephanie Bell for JD*  
Executive Director



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