

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE KENTUCKY STATE BOARD ON**  
**ELECTRIC GENERATION AND TRANSMISSION SITING**

**In the Matter of:**

|                                    |   |                            |
|------------------------------------|---|----------------------------|
| <b>JOINT APPLICATION OF THE</b>    | ) |                            |
| <b>ILLINOIS MUNICIPAL ELECTRIC</b> | ) |                            |
| <b>AGENCY AND THE INDIANA</b>      | ) |                            |
| <b>MUNICIPAL POWER AGENCY FOR</b>  | ) |                            |
| <b>APPROVAL TO BE A PARTNER IN</b> | ) | <b>CASE NO. 2005-00152</b> |
| <b>THE CONSTRUCTION OF A 750</b>   | ) |                            |
| <b>MEGAWATT ADDITION TO THE</b>    | ) |                            |
| <b>EXISTING TRIMBLE COUNTY</b>     | ) |                            |
| <b>GENERATING FACILITY IN</b>      | ) |                            |
| <b>TRIMBLE COUNTY, KENTUCKY</b>    | ) |                            |

**PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY, KENTUCKY UTILITIES COMPANY, ILLINOIS MUNICIPAL ELECTRIC AGENCY AND THE INDIANA MUNICIPAL POWER AGENCY FOR CONFIDENTIAL PROTECTION OF CERTAIN INFORMATION PROVIDED IN COMPLIANCE WITH THE COMMISSION'S ORDER OF NOVEMBER 16, 2005**

Louisville Gas and Electric Company (“LG&E”), Kentucky Utilities Company (“KU”), Illinois Municipal Electric Agency (“IMEA”), and the Indiana Municipal Power Agency (“IMPA”) (collectively, the “Companies”) pursuant to 807 KAR 5:001, Section 7, respectfully petition the Commission to classify as confidential and protect from public disclosure the “as-built plans” which illustrate the implementation of the Site Development Plan as requested in the November 16, 2005 Order. These documents, in their entirety, contain critical energy infrastructure information. For protection of homeland security, the Companies respectfully request that the Commission grant confidential protection to these documents.

In further support of this Motion, the Companies state as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open disclosure would “have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to: ... (f) infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems and (g) the following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency.” See KRS 61.878(1)(m)1. Succinctly put, the as-built plans attached hereto provide very detailed information about the Trimble County generating station; as such, the disclosure of which could threaten the public safety generally.

2. The information for which the Companies are seeking confidential protection is not known outside of the Companies, is not disseminated within the Companies except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the energy industry.

3. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect the Companies’ due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

4. The Companies are filing with the Commission one copy of the Confidential Information identified as confidential.

**WHEREFORE**, Louisville Gas and Electric Company, Kentucky Utilities Company, Illinois Municipal Electric Agency, and the Indiana Municipal Power Agency respectfully request that the Commission grant confidential protection to these documents, in their entirety.

Dated: December 7, 2010

Respectfully submitted,



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