

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

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MAR 13 2005
PUBLIC SERVICE
COMMISSION

In the Matter of:

JOINT APPLICATION OF LOUISVILLE GAS)
AND ELECTRIC COMPANY AND KENTUCKY)
UTILITIES COMPANY FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY,)
AND A SITE COMPATIBILITY CERTIFICATE,)
FOR THE EXPANSION OF THE TRIMBLE)
COUNTY GENERATING STATION)

CASE NO.: 2004-00507

MOTION TO RELEASE DOCUMENTS UNDER SEAL

Come the Intervenors, International Brotherhood of Electrical Workers, Local 2100 (IBEW) and the Greater Louisville Building and Construction Trades Council (Trades Council), and move the Commission for an Order releasing documents that have been held under seal in a prior LG&E filing.

In Case No. 2000-112, *Application of Kentucky Utilities Company and LG&E for Certificate of Public Convenience and Necessity to Construct Selective Catalytic Reduction (SCR) Control Technologies*, the Commission made the following data request:

- Q-7. Have KU and LG&E issued an RFP for the construction of the seven proposed SCR units?
 - a. If yes, provide the RFP and a list of vendors to whom it was sent.
 - (1) Provide the responses to the RFP.
 - (2) Explain how the successful bidder or bidders, were chosen.

On April 28, 2000, LG&E requested, by letter and petition, confidential treatment of the responses to Q-7, providing the following rationale:

Because of concerns regarding the confidentiality of the proposals submitted by vendors in response to the Companies' SCR RFP, the Companies have been engaged in detailed discussions with the vendors regarding the filing of their submissions to the Companies in response to the Commission's question number seven. These responses were submitted to the Companies pursuant to Non-Disclosure agreements, which provide the vendors with certain rights regarding public disclosure of their submittals. Despite our best efforts we have been unable to satisfactorily conclude these discussions by today, and are therefore unable to publicly file at this

time the responses we received from the vendors. Therefore, the Companies are filing under seal the responses to the RFP requested in the Commission's question number seven, as well as the enclosed Petition of Kentucky Utilities Company and Louisville Gas and Electric Company for Confidential Protection regarding these responses.

On May 5, 2000, the Commission, through Executive Director Huelsmann, issued a letter confirming confidential treatment of the responses to Q-7. The Commission's grant of confidentiality was premised upon 807 KAR 5:001 (Section 7(9)(a)):

If the information becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a) to inform the Commission so that the information may be placed in the public record.

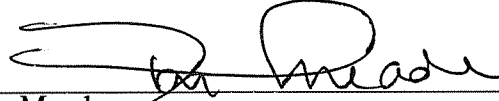
The basis for LG&E's request for confidentiality was the ongoing nature of negotiations with vendors, which operated under non-disclosure agreements to prevent unfair competition. The vendor was selected, contracts let and the project completed. There is no continuing need for confidential protection of documents.

The IBEW and Trades Council, representing the concerns of Kentucky ratepayer-employees, has a substantial interest in reviewing RFP criteria regarding major construction proposals, to gain insight into criteria utilized by LG&E with regard to employment of Kentucky workers.

The intervenors request the Commission issue an order releasing the information under seal which was responsive to the Commission's Q-7. Although it does not appear that the records should enjoy any continuing protection under the Kentucky Open Records Act (KRS 61.870), or otherwise be subject to confidential protection, the IBEW and Trades Council have communicated, on this date, a willingness to consider a protective agreement in order to protect any continuing interest that the Company may have in confidential or proprietary information. This communication was made pursuant to 807 KAR 5:001, Section 7(5)(b).

Respectfully submitted,

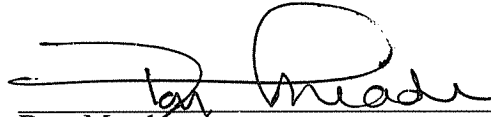
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Trades Council**

CERTIFICATE OF SERVICE

It is hereby certified that on the 17 day of March, 2005, an original and 10 copies of the foregoing motion was mailed to the Public Service Commission, P. O. Box 615, 211 Sower Blvd., Frankfort, KY 40602-0615, and a true copy thereof was mailed to the attached service list.



Don Meade

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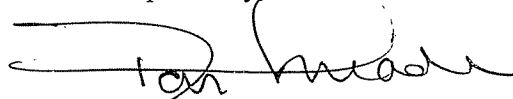
Re: Motion to Lift Confidential Protection

Dear Kendrick:

Enclosed is a motion by IBEW and Trades Council, to lift confidential protection from documents filed under seal in Case 2000-112 *Application of Kentucky Utilities Company and LG&E for Certificate of Public Convenience and Necessity to Construct Selective Catalytic Reduction (SCR) Control Technologies.*

Pursuant to 807 KAR 5:001, Section 7(5)(b), the intervenors are willing to discuss the terms of a protective order which would prevent dissemination of information to vendors during competitive bidding for the TC2 project. Please let us know the Company's position with regard to any proposed protective provisions.

Respectfully,



Don Meade

DM/sks
Enclosure
cc: Public Service Commission