

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES)
COMPANY AND LOUISVILLE GAS AND)
ELECTRIC COMPANY TO TRANSFER CONTROL) CASE NO. 2012-00031
OF CERTAIN TRANSMISSION FUNCTIONS)

PETITION FOR CONFIDENTIAL PROTECTION

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively “Companies”) hereby petition the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001 §7 and KRS 61.878(1)(c) to grant confidential protection for the items described herein, which the Companies seek to provide in response to Commission Staff’s First Information Request No. 2(a) (“DR 2(a)"). In support of this Petition, the Companies state as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure commercially sensitive to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission. See KRS 61.878(1)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. The confidential information contained in the Companies’ response to Commission Staff’s DR 2(a) is a copy of the Request for Information and Request for Proposal documents the Companies sent to various vendors in the process of seeking and selecting a new Independent Transmission Operator (“Confidential Information”). These documents contain sensitive information about the Companies and the criteria used to evaluate proposals for such services. Publicly disclosing such documents could harm the Companies’ ability to obtain truly

competitive bids to perform similar services in the future. To protect the Companies' customers from harm, this information should be afforded confidential protection.

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).

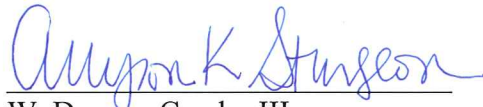
4. In accordance with the provisions of the Commission's January 30, 2012 Order in this proceeding concerning electronic filing procedures, LG&E and KU will timely file with the Commission one paper copy of the Confidential Information highlighted and one electronic copy of the Confidential Information highlighted on a CD-ROM. LG&E and KU will also timely file a paper original and one paper copy of the discovery responses without the Confidential Information.

WHEREFORE, Kentucky Utilities Company and Louisville Gas and Electric Company respectfully request that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

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Dated: March 7, 2012

Respectfully submitted,



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