

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR AN)	CASE NO. 2012-00221
ADJUSTMENT OF ITS ELECTRIC)	
RATES)	

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7 and KRS 61.878(1) to grant confidential protection for the item described herein, which KU seeks to provide in response to the Kentucky Industrial Utilities Customers Inc.’s (“KIUC”) Initial Requests for Information. Specifically, KU seeks confidential protection for Request No. 64(c). In support of this Petition, KU states as follows:

1. On June 29, 2012, KU filed with the Commission an application proposing changes in its tariffs. On July 31, 2012, KIUC issued its First Set of Data Requests to KU.
2. On August 14, 2012, KU filed its responses to the KIUC’s First Set of Data Requests. Because KU is supplementing its response to Request No. 64(c) with proprietary information, this Petition for Confidential Protection is necessary.

Confidential or Proprietary Commercial Information (KRS 61.878(1)(c))

3. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that the material is of a kind generally recognized to be confidential or proprietary, and the disclosure of which would permit an unfair commercial advantage to competitors of the party seeking confidentiality.

4. Request No. 64(c) asks KU for “For each day of the test year in which KU called a curtailment with an economic buy-through, please identify the NGP for that day and provide a copy of the source data for the NGP.” On August 14, 2012, KU provided in response to this Request the dates in which a curtailment with an economic buy-through was called, but explained it could not provide the NGP for that day or the corresponding source data because the NGP and the corresponding source data are proprietary to Platts Gas Daily (“Platts”). Although KU had requested permission from Platts to provide the NGP and source data, Platts did not grant permission until after KU’s responses were filed on August 14, 2012.

5. Simultaneously with the filing of this Petition, KU is filing a supplemental response to Request No. 64(c) that provides the NGP for each day a curtailment with an economic buy-through was called and the source data for same. As explained in the preceding paragraph, the NGP is proprietary to Platts and KU only has permission to provide it confidentially in this proceeding. For Platts, the NGPs constitute proprietary information that should not be disclosed to its competitors, and is only disclosed to subscribers, such as KU.

6. The source data for Dominion, South Point, which is the relevant NGP, is highlighted in yellow to denote its confidentiality. The other NGPs listed in Platts have been redacted as they are non-responsive and not relevant. In the public version, all NGPs have been redacted.

7. The information for which KU is seeking confidential treatment is not known outside of the Company, and it is not disseminated within KU except to those employees with a legitimate business need to know the information.

8. KU will disclose the confidential information, pursuant to a confidentiality agreement, to intervenors with a legitimate interest in this information and as required by the Commission.

9. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply with 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., 642 S.W.2d 591, 592-94 (Ky. App. 1982).

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

Dated: August 17, 2012

Respectfully submitted,



Kendrick R. Riggs
W. Duncan Crosby III
Barry L. Dunn
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828
Telephone: (502) 333-6000

Allyson K. Sturgeon
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-2088

Robert M. Watt III
Lindsey W. Ingram III
Monica H. Braun

Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, KY 40507-1801

Counsel for Kentucky Utilities Company

CERTIFICATE OF COMPLIANCE

In accordance with Ordering Paragraph No. 10 of the Commission's June 22, 2012 Order, this is to certify that Kentucky Utilities Company's August 17, 2012 electronic filing of the Petition for Confidential Protection is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on August 17, 2012; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original and two copies in paper medium of the Petition are being hand delivered to the Commission on August 17, 2012.



Gerald R. Niess
Counsel for Kentucky Utilities Company