

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

**APPLICATION OF LOUISVILLE GAS &) CASE NO. 2012-00222
ELECTRIC COMPANY FOR AN ADJUSTMENT)
OF ITS ELECTRIC AND GAS BASE RATES)**

**PETITION OF THE KROGER CO.
FOR CONFIDENTIAL PROTECTION**

Pursuant to 807 KAR 5:001, Section 7 and KRS 61.878(1), The Kroger Co. ("Kroger") hereby petitions the Kentucky Public Service Commission ("Commission") to grant confidential protection for the proprietary commercial material described herein which Kroger seeks to provide in response to the Attorney General's First Request for Information to Kroger filed October 15, 2012. Specifically, the Kroger seeks confidential protection for the proprietary material contained in items 2, 3, 4 5, and 6 of the Request. In support of this Petition, Kroger states as follows:

1. On October 2, 2012, Kroger filed with the Commission its direct testimony in this proceeding. On October 15, 2012, the Attorney General issued its First Request for Information to Kroger.

2. The Kentucky Open Records Act protects proprietary commercial information from disclosure to the public which, if disclosed, would permit an unfair commercial advantage to competition of the party seeking confidentiality. KRS 61.878(1)(c).

3. Request No. 2 asks Kroger to provide its total electricity cost in Kentucky from Louisville Gas & Electric Company for each month of the test year. Request No. 3, asks Kroger

to provide the total amount of kilowatt hours of energy used by Kroger in Kentucky for each month of the test year. Request No. 4 asks Kroger to provide the annual increase by percentage to Kroger that would result from the application as filed. Request No. 5 asks Kroger for the billing determinants (number of bills, kilowatt hours and billed kilowatts) for each service location during the test year. Request No. 6 asks Kroger for the monthly maximum demand during the test year for each service location. The commercial material for which Kroger seeks confidential treatment herein is generally recognized as confidential or proprietary in that it requires Kroger to provide detailed information about a significant part of its cost of operations which is the amount of energy consumed, the cost of that energy broken down between energy and capacity, both in the aggregate and for each store location, during the test year. Kroger is in a highly competitive business and disclosure of such information will allow its competitors to gain knowledge of this part of Kroger's cost of operations and would provide such competitors with an unfair commercial advantage.

4. For the same reasons, Kroger seeks confidential treatment of the response to Request No. 4 which asks Kroger to estimate the percentage increase in energy cost that would result from the Application as filed. The data provided by Applicant in this case already provides the percentage increase of all customer classes including the class in which Kroger takes the majority of its service, but it does not disclose the percentage increase for any particular customer within that class. Public disclosure of the estimated increase to this portion of its operating costs, whether in dollars or percentage, would provide competitors proprietary information which could lead to an unfair advantage .

5. A copy of the Petition and a copy of the redacted responses have been served on all parties to this proceeding pursuant to 801 KAR 5:001, Section 7(2)(c). Kroger has provided a copy of the non-redacted Response to the Attorney General and will provide same to other

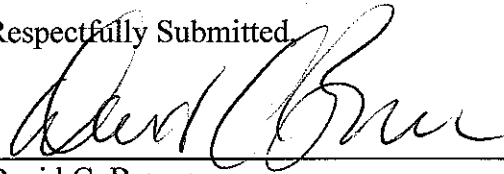
parties who execute the Non-Disclosure Certificate attached to the Non-Disclosure Agreement that has also been filed with the Petition.

6. The proprietary commercial information is not publicly available, is not disseminated within Kroger except to those employees and professionals with a business need to know.

WHEREFORE, the Kroger Co. respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: October 25, 2012

Respectfully Submitted,



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