

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY TO MODIFY ITS)	CASE NO. 2012-00469
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AS TO THE MILL CREEK)	
UNIT 3 FLUE-GAS DESULFURIZATION UNIT)	

PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION

Louisville Gas and Electric Company (“LG&E”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001 § 7 and KRS 61.878(1) to grant confidential protection for the information described herein, which LG&E is providing in its Response to the Information Requested in Hearing Dated January 3, 2013, specifically Data Request No. 1 (the “Confidential Information”). In support of this Petition, LG&E states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for the 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.

2. Information Requested in Hearing Data Request No. 1 asks LG&E to provide a copy of the natural gas forecasts LG&E used as the basis to develop the NPVRR savings described in Tables 1 and 2 at pages 10 and 12 of John Voyles’s testimony filed on October 25, 2012. LG&E is providing the requested information, which is confidential and commercially sensitive. The confidential information includes projected gas base fuel costs LG&E and its

sister utility, Kentucky Utilities Company (“KU”), have purchased from reputable vendors to enable LG&E and KU to make prudent business decisions of several kinds, including fuel contracting decisions and environmental-compliance-strategic decisions. If the Commission grants public access to this information, the vendors from whom LG&E and KU have purchased the fuel forecast information at issue could refuse to do business with the utilities in the future, which would do serious harm to LG&E’s and KU’s ability to make prudent fuel-contract, environmental-compliance, and other decisions. All such commercial harms would ultimately harm LG&E’s and KU’s customers. Moreover, publicly disclosing such information would do immediate and costly harm to the firms from which LG&E and KU purchased the fuel forecast information at issue, which firms derive significant revenues from developing and selling such forecasts to customers under strict license agreement obligations not to disclose, and thereby render commercially worthless, such forecasts.

3. The Commission has historically given confidential treatment to projected fuel cost information.¹ Moreover, the Commission granted confidential protection to similar information in LG&E’s 2011 Environmental Compliance Plan proceeding.²

4. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect LG&E’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).

¹ For example, see the Commission’s letter to LG&E and KU (collectively, “Companies”) dated May 1, 2008, concerning the Companies’ 2008 IRP case (Case No. 2008-00148); the Commission’s letter to the Companies dated April 28, 2005, concerning the Companies’ 2005 IRP case (Case No. 2005-00162); the Commission’s letter to the Companies dated October 24, 2002, concerning the Companies’ 2002 IRP case (Case No. 2002-00367); and the Commission’s letter to the Companies dated March 6, 2000, concerning the Companies’ 1999 IRP case (Case No. 99-430).

² Case No. 2011-00162, Commission letter to LG&E (Dec. 6, 2011).

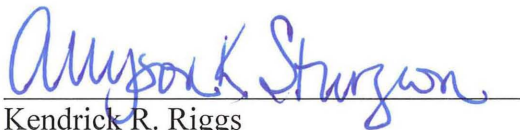
5. The information for which LG&E is seeking confidential treatment is not disseminated within LG&E except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the energy industry.

6. To satisfy the provisions of the Commission's October 25, 2012 Order in this proceeding concerning electronic filing procedures with respect to the Confidential Information responsive to Request No. 1, LG&E will timely file with the Commission one paper copy of the Confidential Information and one copy of the Confidential Information in electronic medium on a DVD-ROM or CD-ROM.

WHEREFORE, Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: January 9, 2013

Respectfully submitted,



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