

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

**In the Matter of:**

<b>AN EXAMINATION OF THE APPLICATION</b>	)	
<b>OF THE FUEL ADJUSTMENT CLAUSE OF</b>	)	<b>CASE NO.</b>
<b>KENTUCKY UTILITIES COMPANY FROM</b>	)	<b>2013-00446</b>
<b>MAY 1, 2013 THROUGH OCTOBER 31, 2013</b>	)	

**PETITION OF KENTUCKY UTILITIES COMPANY**  
**FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”), pursuant to 807 KAR 5:001, Section 13, respectfully petitions the Commission to classify as confidential and protect from public disclosure certain information provided by KU in response to Question Nos. 12, 19 and 25a of the Commission’s data requests, as contained in the Appendix to the Commission’s Order dated February 7, 2014. KU requests confidential protection for coal price settlement agreement information contained in Question No. 12, coal bid analysis information contained in Question No. 19 and litigation settlement information contained in Question No. 25a. In support of this Petition, KU notes that the Commission has consistently treated this same kind of information as confidential in KU’s previous fuel adjustment clause review proceedings.

In further support of this Petition, KU states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it 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(l)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Disclosure of Settlement Agreements could damage KU's competitive position and business interests. The Settlement Agreements consider and analyze the costs KU's coal suppliers incur to comply with the MINER Act, which in turn affects the coal price increases KU is willing to pay its coal suppliers for their claimed compliance costs. If the Commission grants public access to the information requested in Question No. 12, KU's current and potential coal suppliers could manipulate their bids to the detriment of KU and its ratepayers by tailoring bids to correspond to and comport with KU's MINER compliance cost evaluation criteria and process. Similarly, the Commission granted KU confidential protection for its supplemental response to Item 24 in Appendix B to the Commission's Order of February 13, 2013, in Case No. 2012-00552.<sup>1</sup> The information provided in response to Question No. 25(a) provides verification of the confidential information provided in Case No. 2012-00552, and requires confidential protection for the same reasons.

3. Disclosure of the factors underlying KU's bid analysis/selection process would likewise damage KU's competitive position and business interests. This information reveals the business model the Company uses -- the procedure it follows and the factors/inputs it considers - - in evaluating bids for coal supply. If the Commission grants public access to the information requested in Question No. 19, potential bidders could manipulate the bid solicitation process to the detriment of KU and its ratepayers by tailoring bids to correspond to and comport with KU's bidding criteria and process. As noted above, the Commission has treated such information as confidential in the past.

4. The information for which KU is seeking confidential treatment is not known outside of KU, is not disseminated within KU except to those employees with a legitimate

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<sup>1</sup> Order dated August 23, 2013.

business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the energy industry.

5. KU does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in this case.

6. In accordance with the provisions of 807 KAR 5:001, Section 13, KU is filing with the Commission one copy of the Confidential Information highlighted and one (1) copy without the Confidential Information.

**WHEREFORE**, Kentucky Utilities Company respectfully requests the Commission grant confidential protection: (1) to the information designated as confidential in response to Question No. 19 for a period of five years from the date of filing the same; and (2) to the information designated as confidential in response to Question Nos. 12 and 25(a) indefinitely as the terms of the settlement agreement require confidential protection.

Dated: February 28, 2014

Respectfully submitted,



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