

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF LOUISVILLE GAS )  
AND ELECTRIC COMPANY AND KENTUCKY )  
UTILITIES COMPANY FOR REVIEW, )  
MODIFICATION, AND CONTINUATION OF ) CASE NO. 2014-00003  
EXISTING, AND ADDITION OF NEW, )  
DEMAND-SIDE MANAGEMENT AND ENERGY )  
EFFICIENCY PROGRAMS )

LOUISVILLE GAS AND ELECTRIC COMPANY AND  
KENTUCKY UTILITIES COMPANY'S  
JOINT PETITION FOR CONFIDENTIAL PROTECTION

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively, the “Companies”) petition the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1) to grant confidential protection for the items described herein, which the Companies seek to provide in response Association of Community Ministries, Inc.’s Tendered First Requests for Information, Question No. 19. In support of this Joint Petition, the Companies state as follows:

1. On January 17, 2014, the Companies filed their joint petition to review, modify, continue, and add demand-side management and energy efficiency programs (“DSM/EE”). On February 17, 2014, Association of Community Ministries, Inc. issued its Tendered First Requests for Information to the Companies.

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

2. 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.

3. In response to the Association of Community Ministries, Inc.'s Question No. 19, the Companies are providing a copy of each contract with entities for the implementation of the WeCare program. These contracts contain information the public disclosure of which would hinder the Companies' ability to procure the best contract terms in negotiations with other entities. WeCare vendors and the Companies entered these contracts with a mutual desire and intent to keep the contracts confidential. Publicly disclosing the contracts would negatively affect the Companies' relationship with the WeCare vendors. The commercial harm that could result from making such information public would ultimately harm the Companies' customers, who would have to pay higher DSM charges if the disclosed information resulted in higher WeCare costs. This information should therefore be afforded confidential protection to protect the Companies and their customers.

4. The Commission has given confidential protection to WeCare vendor contracts in prior proceedings.<sup>1</sup>

5. The information for which the Companies are seeking confidential treatment is not known outside of the Companies and the entity entering each contract, is not disseminated within the Companies 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.

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<sup>1</sup> See, e.g., *In the Matter of: Joint Application of Louisville Gas and Electric Company and Kentucky Utilities Company for Review, Modification, and Continuation of Existing, and Addition of New, Demand-Side Management and Energy-Efficiency Programs*, Case No. 2011-00134, Letter from Executive Director Jeff DeRouen (Aug. 31, 2011).

6. If the Commission disagrees with any of these requests for confidential protection, it must hold an evidentiary hearing (a) to protect the Companies' 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.<sup>2</sup>

7. In accordance with the provisions of 807 KAR 5:001, Section 13, LG&E and KU are filing with the Commission one highlighted copy of the Confidential Information. Because the Companies are seeking confidential protection for these documents in their entirety, the Companies are not providing a redacted copy of the confidential material.

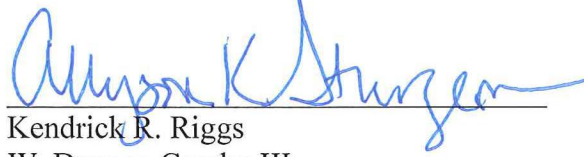
**WHEREFORE**, Louisville Gas and Electric Company and Kentucky Utilities Company respectfully request that the Commission grant confidential protection for the information described herein, or, in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality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

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<sup>2</sup> Utility Regulatory Commission v. Kentucky Water Service Company, Inc., 642 S.W.2d 591, 592-94 (Ky. App. 1982).

Dated: March 3, 2014

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that Louisville Gas and Electric Company and Kentucky Utilities Company's March 3, 2014 electronic filing of the Joint 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 March 3, 2014; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original and one copy in paper medium of the Joint Petition are being mailed to the Commission on March 3, 2014.



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*Counsel for Louisville Gas and Electric  
Company and Kentucky Utilities Company*