

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)
ELECTRIC COMPANY FOR AN)
ADJUSTMENT OF ITS ELECTRIC AND GAS) CASE NO. 2014-00372
RATES)

PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION

Louisville Gas and Electric Company (“LG&E” or the “Company”) hereby petitions 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 item described herein, which LG&E seeks to provide in response to Item No. 26(b) of the Sierra Club’s (and Wallace McMullen’s) Initial Data Requests.¹

Confidential Information Protected from Disclosure by Federal Law
(KRS 61.878(1)(k))

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure public records or information the disclosure of which is prohibited by federal law or regulation. *See* KRS 61.878(1)(k). Item No. 26(b) requests “any studies or documentation of the grid reliability concerns presented by the retirement of the Green River Generating Station units.” In response, the Company is providing a transmission study that has not yet been made public. The Federal Energy Regulatory Commission’s Standards of Conduct concerning such studies (*see* 18 C.F.R. Part 358) prohibit a transmission provider and its employees, contractors, consultants, and agents from disclosing, or using a conduit to disclose, non-public transmission function information to the transmission provider’s marketing function

¹ In accordance with 807 KAR 5:001, Section 8(12)(b), a copy of this Petition’s electronic transmission receipt is affixed to the paper copy of the Petition being submitted to the Commission. None of the documents attached to the Petition require redaction under the Commission’s regulation, 807 KAR 5:001, Section 4(10).

employees or other entities' marketing function employees before the information is made public. Thus, the Company seeks confidential protection of this information until the Company publicly discloses the study, at which time the Company will notify the Commission that the study no longer requires confidential protection.

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

3. LG&E 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.

4. If the Commission disagrees with this request for confidential protection, however, 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.²

5. In compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(e), LG&E is filing with the Commission one paper copy that identifies information for which confidential protection is sought. LG&E seeks confidential protection of the entire document, and this is reflected in both the paper copy containing the confidential information and in the redacted version.

6. LG&E requests that the information be kept confidential until the Company notifies the Commission that the transmission study at issue has become public and no longer requires confidential protection.

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

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

Dated: January 23, 2015

Respectfully submitted,




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CERTIFICATE OF COMPLIANCE

This is to certify that Louisville Gas and Electric Company's January 23, 2015 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 January 23, 2015; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original paper medium of the Petition and an unobscured copy of the material for which confidentiality is sought sealed in an opaque envelope are being hand delivered to the Commission on January 23, 2015.



Counsel for Louisville Gas and Electric Company