

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF KENTUCKY UTILITIES)	
COMPANY'S AND LOUISVILLE GAS AND)	
ELECTRIC COMPANY'S RESPECTIVE NEED)	
FOR AND COST OF MULTIPHASE)	CASE NO. 2015-00194
LANDFILLS AT THE TRIMBLE COUNTY AND)	
GHENT GENERATING STATIONS)	

**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 to the Commission Staff's Post-Hearing Request for Information dated October 26, 2015. In support of this Joint Petition, the Companies state 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. In response to Commission Staff Question 1(a), the Companies are providing confidential information regarding the dispatch costs of the Companies' generating units. The public disclosure of this information would create precisely the kind of competitive harm KRS 61.878(1)(c)(1) intends to prevent. This information was developed internally by Companies'

personnel, is not on file with any public agency, is not available from any commercial or other source outside the Companies, and is distributed within the Companies only to those employees who must have access for business reasons. If the Commission grants public access to this information, the Companies could be disadvantaged in negotiating fuel contracts in the future, and could also be disadvantaged in the wholesale energy market because power production data and costs are important components of energy pricing. All such commercial harms would ultimately harm the Companies' customers, who would have to pay higher rates if the disclosed information adversely affected the Companies' generation asset procurement process or off-system energy sales. The Commission has granted confidential protection to comparable information in the past.¹ Thus, the Companies seek confidential protection of this information.

3. The information for which the Companies are seeking confidential treatment is not known outside of the Companies, 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.

4. 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.²

5. In compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(e), the Companies are filing with the Commission one paper copy that identifies by highlighting the information for

¹ See, e.g., *In the Matter of: Application of Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Approval of Its 2011 Compliance Plan for Recovery by Environmental Surcharge*, Case No. 2011-00162, Letter from Executive Director DeRouen to Allyson Sturgeon (Dec. 9, 2011), *In the Matter of: 2011 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2011-00140, Letter from Executive Director DeRouen to Allyson Sturgeon (Oct. 10, 2011).

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

which confidential protection is sought and one electronic copy with the same information obscured.

6. The Companies respectfully request that the information identified in the Response to Question 1(a) be kept confidential for an indefinite period.

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.

Dated: November 2, 2015

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that Louisville Gas and Electric Company and Kentucky Utilities Company's November 2, 2015 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 November 2, 2015; 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 will be hand-delivered to the Commission on November 3, 2015.



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