

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|--|---|----------------------------|
| 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 AMENDED 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 Items 1-14 and 17(d) of Sterling Venture's Initial Requests for Information, dated July 2, 2015. In support of this Joint Petition, the Companies state as follows:

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

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 Item 1-14, the Companies are providing certain input and output information used in connection with the projected cost of the Trimble County Landfill. That information is commercially sensitive cost information developed by and relied upon by the

Companies in assessing the revenue requirement impact of the Trimble Count Landfill. If that information becomes publicly available, it would work to the Companies' competitive disadvantage in negotiating for the lowest possible cost for beneficial reuse opportunities. In response to Item 17(d) of Sterling Venture's Initial Requests for Information to the Companies, the Companies are providing an Excel file that contains confidential and proprietary market data and information, the public disclosure of which would hinder the Companies' ability to procure the best contract terms in negotiations with other entities.

3. The Commission has given confidential protection to such proprietary market information in prior proceedings.¹

4. 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.

5. If the Commission disagrees with this request 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

6. In accordance with 807 KAR 5:001, Section 13(2)(a)(3)(b), the Companies seek confidential protection of the entirety of the Excel file.

¹ 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).

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

7. The Companies request that the information identified in Item 1-14 of the Commission Staff's Initial Requests for Information above be kept confidential for a minimum of a ten year period. The Companies respectfully request that the information identified Item 17(d) above be kept confidential for a period of five years, after which time the pricing information will be of little use in the market at that time.

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: July 17, 2015

Respectfully submitted,




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*Counsel for Kentucky Utilities Company and
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CERTIFICATE OF SERVICE

This is to certify that Louisville Gas and Electric Company and Kentucky Utilities Company's July 17, 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 July 17, 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 are being mailed to the Commission on July 17, 2015.



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