

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 the Rebuttal Testimony of John N. Voyles, Jr. and David S. Sinclair. 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. As an Exhibit to the Rebuttal Testimony of John N. Voyles, Jr., the Companies are providing confidential proposals submitted to the Companies by Sterling Ventures, LLC. This information contains confidential information the public disclosure of which would hinder the Companies' ability to receive the best proposals and procure the best contract terms in future

negotiations. Counterparties in a competitive market do not want confidential technical information or concessions, including pricing concessions, they have made publically disclosed, to be used against them in their future negotiations with other customers or by their competitors. Counterparties are more likely to provide proposals and enter contracts when they know that sensitive terms such as pricing will not be known to their competitors or their other customers. Those entities, and others who might make proposals to the Companies in the future, would not favor public disclosure of this information, and may be less willing to make proposals or respond to requests for proposals, or to offer the Companies concessions. In addition, disclosing information to counterparties about their competitors' proposals would allow them to determine where they might have advantages over other entities. They could use that information to fully exploit any inherent advantages they might have, rather than offering their best proposal, to the disadvantage of the Companies and their customers. Diminishing the Companies' ability to receive the best proposals and contract for the best possible terms would harm both the Companies and their customers through increased costs of service. This information should therefore be afforded confidential protection to protect the Companies and their customers.

3. The Commission has given confidential protection to similar information in prior proceedings.¹

4. As an Exhibit to the Rebuttal Testimony of David S. Sinclair, the Companies are providing a collection of six analysis and work-paper Excel files supporting Mr. Sinclair's testimony concerning Sterling Ventures, LLC's proposal regarding the availability of the Warsaw, Kentucky barge facility. One of the files does not contain confidential information and

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).

is being filed publicly with Mr. Sinclair's testimony; the other five files contain confidential beneficial reuse vendor pricing information that, if made available publicly, would work to the competitive disadvantage of the Companies and their customers as it would jeopardize the Companies' ability to procure least cost pricing.

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.

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.²

7. In accordance with 807 KAR 5:001, Section 13(2)(a)(3)(b), the Companies seek confidential protection of the entirety of the Exhibit containing confidential proposals submitted to the Companies by Sterling Ventures, LLC.

8. The Companies respectfully request that the information identified in the Rebuttal Testimony of John N. Voyles, Jr. be kept confidential for a period of five years, after which time the information will be of little use in the market at that time. The Companies request that the information identified in the Rebuttal Testimony of David S. Sinclair be kept confidential for an indefinite period.

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 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: September 10, 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 September 10, 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 September 10, 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 September 11, 2015.


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