

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>APPLICATION OF LOUISVILLE GAS AND</b>	)	
<b>ELECTRIC COMPANY AND KENTUCKY</b>	)	
<b>UTILITIES COMPANY TO INSTALL AND</b>	)	
<b>OPERATE ELECTRIC CHARGING</b>	)	
<b>STATIONS IN THEIR CERTIFIED</b>	)	
<b>TERRITORIES, FOR APPROVAL OF AN</b>	)	
<b>ELECTRIC VEHICLE SUPPLY EQUIPMENT</b>	)	<b>CASE NO. 2015-00355</b>
<b>RIDER, AN ELECTRIC VEHICLE SUPPLY</b>	)	
<b>EQUIPMENT RATE, AND AN ELECTRIC</b>	)	
<b>VEHICLE CHARGING RATE, APPROVAL OF</b>	)	
<b>A DEPRECIATION RATE FOR ELECTRIC</b>	)	
<b>VEHICLE CHARGING STATIONS, AND FOR</b>	)	
<b>A DEVIATION FROM THE REQUIREMENTS</b>	)	
<b>OF CERTAIN COMMISSION REGULATIONS</b>	)	

**JOINT PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY  
AND KENTUCKY UTILITIES COMPANY FOR CONFIDENTIAL  
PROTECTION AND FOR A DEVIATION FROM 807 KAR 5:001**

Pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1), Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively, the “Companies”) petition the Kentucky Public Service Commission (“Commission”) to grant confidential protection to the Companies’ Responses to Item 8(d)(2) and (3) and Item 22 of Commission Staff’s First Request for Information. The Companies further petition for a deviation from 807 KAR 5:001, Section 13 to permit the submission of confidential materials on a CD-ROM in lieu of a copy in paper medium and to relieve them from the requirement of submitting redacted copies of their response to Item 22.

In support of this Joint Petition, the Companies state:

**Confidential Protection of Submitted Materials**

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 Item 8(d)(2) of its Request, Commission Staff requests the proposals that the Companies received in response to their Request for Proposals to provide charging stations and related services.

3. Public disclosure of these proposals 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 sensitive pricing information to be 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. Diminishing the Companies' ability to receive the best proposals and contract for the best possible terms would harm 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.

4. In Item 8(d)(3) of its Request, Commission Staff requests the Companies' analysis of the responses to their Request for Proposals. This analysis includes commercially sensitive vendor information as well as the Companies' methodology for assessing the bid proposals. This information is proprietary, and, 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 Commission has given confidential protection to similar information in prior proceedings.<sup>1</sup>

6. 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.

7. In Item 22 of its Request, Commission Staff requests an electronic copy of Exhibits REL-1 and REL-2 in Excel spreadsheet format with the formulas intact and unprotected. In a Joint Petition filed with the Commission on November 13, 2015, the Companies requested confidential treatment for certain information contained in those exhibits. The Commission has yet to rule on that petition. The Companies incorporate by reference the arguments set forth in that petition in support of their present petition.

8. 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

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<sup>1</sup> See, e.g., Case No. 2012-00495, *Application of Duke Energy Kentucky, Inc. for the Annual Cost Recovery Filing of Demand Side Management* (Ky. PSC July 9, 2014); Case No. 2013-00148, *Application of Atmos Energy Corporation for an Adjustment of Rates and Tariff Modifications* (Ky. PSC Nov. 25, 2013); Case No. 95-529, *Request For Confidential Treatment of Information Filed With Bellsouth Telecommunications, Inc.'s Proposed Tariff to Modify ZipCONNECT<sup>SM</sup> Service By Adding Zip Code Routing* (Ky. PSC Jan. 16, 1996).

supply with the Commission with a complete record to enable it to reach a decision with regard to this matter.

9. In accordance with 807 KAR 5:001, Section 13(2)(a)(3)(b), the Companies seek confidential protection of the entirety of the information contained in their responses to Item 8(d)(2) and (3).

10. The Companies respectfully request that the information identified above 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.

**Deviation from 807 KAR 5:001**

11. The Commission's Rules of Procedure require the Companies to submit one copy of the materials in question in paper medium with their Petition. 807 KAR 5:001, Section 13(2)(a)(3). The Companies' Responses to Items 8(d)(2) and (3) are voluminous and costly to produce in paper form. The responses to these Items are in excess of 60 megabytes and total more than 1,000 pages. The Companies propose to submit their response to Items 8(d)(2) and (3) on a CD-ROM. A duplicate CD-ROM will be delivered to the intervenors in this matter.

12. Commission Staff has requested an electronic copy of Exhibits REL-1 and REL-2 in Excel spreadsheet format. As the Companies cannot redact or otherwise obscure or protect the confidential information on an electronic Excel spreadsheet version of Exhibits REL-1 and REL-2 and maintain the spreadsheet's formulas intact, the Companies cannot provide a public redacted version of this material as 807 KAR 5:001, Section 13(2)(a)(2) requires and therefore request a deviation from that requirement. The Companies have previously provided in their Application a redacted version of Exhibits REL-1 and REL-2 in portable document format. The Companies have provided with this Petition a CD-ROM containing an electronic copy of Exhibits REL-1 and REL-

2 in Excel spreadsheet format for which they request confidential protection and have provided a duplicate copy of this CD-ROM to the intervenors in this matter.

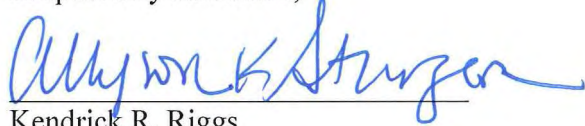
**WHEREFORE**, Louisville Gas and Electric Company and Kentucky Utilities Company respectfully request that the Commission:

1. 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.

2. Grant the Companies a deviation from the requirements of 807 KAR 5:001, Section 13(2)(a) to permit the filing of their responses to Items 8(d)(2) and (3) on CD-ROM only and to relieve them from filing of a redacted electronic version of their response to Item 22.

Dated: December 23, 2015

Respectfully submitted,




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**CERTIFICATE OF SERVICE**

In accordance with 807 KAR 5:001, Section 8, I certify that the December 23, 2015 electronic filing of this Joint Petition is a true and accurate copy of the same document being filed in paper medium; that the electronic filing was transmitted to the Commission on December 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 this Joint Petition will be delivered to the Commission on or before December 23, 2015.

  
Counsel for Louisville Gas and Electric  
Company and Kentucky Utilities Company