

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**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 highlighted portions of the testimony of Rick E. Lovekamp in which the cost of ChargePoint, Inc.’s electric charging stations and ancillary services is discussed. 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 his written testimony, which is submitted as Exhibit 4 to the Companies' Application, Mr. Lovekamp testifies about the development of the Rider EVSE-R and Schedules EVSE and EVC. More specifically, he discusses the cost of ChargePoint's electric charging stations and certain ancillary services, such as network service and energy management, that are provided with the stations. In Exhibits REL-1 and REL-2, Mr. Lovekamp sets forth the Companies' detailed calculations for developing the rates contained in Rider EVSE-R and Schedules EVSE and EVC. These calculations show the cost of ChargePoint's equipment and services.

3. Public disclosure of this information 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. The Commission has given confidential protection to similar information in prior proceedings.¹

¹ 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*

5. The information for which the Companies are seeking confidential treatment is not known outside of the Companies and ChargePoint, 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.²

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.³

7. In accordance with 807 KAR 5:001, Section 13(2)(a)(3)(b), the Companies seek confidential protection of the entirety of the information described above.

8. 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.

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 ZipCONNECTSM Service By Adding Zip Code Routing* (Ky. PSC Jan. 16, 1996).

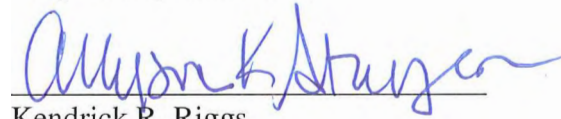
² This information includes scheduled operation and maintenance costs that, while not normally considered confidential, would if publicly disclosed permit a competing firm to determine the total cost of the ChargePoint equipment and services.

³ *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: November 13, 2015

Respectfully submitted,



Kendrick R. Riggs
Gerald E. Wuetcher
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202
Telephone: (502) 333-6000
Fax: (502) 627-8722
kendrick.riggs@skofirm.com

Allyson K. Sturgeon
Senior Corporate Attorney
LG&E and KU Services Company
220 West Main Street
Louisville, KY 40202
Telephone: (502) 627-2088
Fax: (502) 627-3367
allyson.sturgeon@lge-ku.com

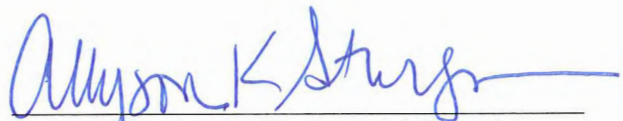
*Counsel for Louisville Gas and Electric
Company and Kentucky Utilities Company*

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that the November 13, 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 November 13, 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 November 17, 2015. I further certify that a true and correct copy of this Joint Petition was served on the following persons on November 13, 2015, by electronic mail:

Gregory Dutton
Gregory.Dutton@ky.gov
Lawrence W. Cook
Larry.Cook@ky.gov
Assistant Attorneys General
Office of the Attorney General
Office of Rate Intervention
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

Michael L. Kurtz
Mkurtz@BKLawfirm.com
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202


Counsel for Louisville Gas and Electric
Company and Kentucky Utilities Company