

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)	
THE FUEL ADJUSTMENT CLAUSE OF)	CASE NO.
KENTUCKY UTILITIES COMPANY)	2016-00232
FROM NOVEMBER 1, 2015 THROUGH APRIL)	
30, 2016)	

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU”), pursuant to 807 KAR 5:001, Section 13, respectfully petitions the Commission to classify as confidential and protect from public disclosure certain information provided by KU in response to Question No. 3 of the Commission’s third set of data requests, as contained in the Appendix to the Commission’s Order dated October 18, 2016. KU requests confidential protection for fuel cost information requested by Commission Staff. In support of this Motion, KU notes that the Commission has treated this type of information as confidential in KU’s recent six-month and two-year fuel adjustment clause review proceedings.

In further support of this Petition, KU states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission. See KRS 61.878(1)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Public disclosure of the unit fuel costs would damage KU's competitive position and business interests. Granting public access to the information provided would necessarily impair KU's ability to negotiate with prospective contractors and vendors -- now equipped to manipulate the price of fuel bid to KU to maximize revenues -- and would likewise arm KU's competitors with information with which they could erode KU's competitive position in the wholesale power market. As noted above, the Commission has treated such information as confidential in the past.

3. The information for which KU is seeking confidential treatment is not known outside of KU, is not disseminated within KU 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.

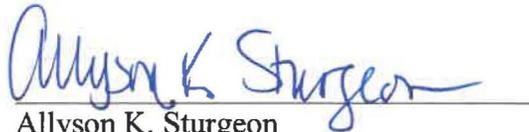
4. KU does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in this case.

5. In accordance with the provisions of 807 KAR 5:001, Section 13, KU is filing with the Commission one copy of the Confidential Information in paper medium with the confidential portions highlighted and six copies of the Confidential Information with the confidential portions redacted.

WHEREFORE, Kentucky Utilities Company respectfully requests the Commission to grant confidential protection to the detailed forced outage examples contained in response to Question No. 3 of the Third Set of Data Requests from the Commission Staff for a period of five years from the date of filing.

Dated: October 25, 2016

Respectfully submitted,



Allyson K. Sturgeon
Senior Corporate Attorney
KU and KU Services Company
220 West Main Street
Louisville Kentucky, 40202
Telephone: (502) 627-2088

Counsel for Kentucky Utilities Company