

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

**In the Matter of:**

<b>APPLICATION OF KENTUCKY</b>	)	
<b>UTILITIES COMPANY FOR AN</b>	)	
<b>ADJUSTMENT OF ITS ELECTRIC RATES</b>	)	<b>CASE NO. 2016-00370</b>
<b>AND FOR CERTIFICATES OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY</b>	)	

**PETITION OF KENTUCKY UTILITIES COMPANY**  
**FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU” or the “Company”) hereby petitions 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 KU seeks to provide in its supplemental response to Item 2-30(b) of the Lexington Fayette Urban County Government’s (“LFUCG”) Request for Information.

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

1. The Kentucky Open Records Act exempts from disclosure information “generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”<sup>1</sup> The Commission has recently relied on this section of the Kentucky Open Records Act to grant confidential protection to a variety of documents when disclosure would disadvantage the Company.<sup>2</sup>

2. LFUCG Item 2-30(b) requests, in reference to KU’s response to LFUCG 1-75, documentation supporting a cost breakdown. In its supplemental response to LFUCG Item 2-30(b), KU is providing invoices from Wilhod, Inc. that contain confidential pricing information.

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<sup>1</sup> KRS 61.878(1)(c)(1).

<sup>2</sup> See, e.g., *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, Case No. 2014-00371, Order Regarding Request for Confidential Treatment to KIUC’s Initial Request for Information (Ky. PSC Jan 14, 2016) (granting confidential treatment to agreements between the Company and third parties, projected outage schedules, design information, and others).

Public disclosure of this information would place KU's vendor at a competitive disadvantage when submitting competitive bids to other contractors as the pricing of individual units of work is listed. Disclosing this information would also negatively impact the Company and its ratepayers because it may harm the relationship with KU and its vendors; as a result, KU may have difficulty negotiating favorable contracts in the future. Thus, the Commission should grant confidential protection to the pricing information contained in the response to LFUCG Item 2-30(b).

3. The information for which KU is seeking confidential treatment is not known outside of KU, and it is not disseminated within KU except to those employees with a legitimate business need to know the information.

4. KU will disclose the confidential information, pursuant to a confidentiality agreement, to intervenors with a legitimate interest in this information and as required by the Commission.

5. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter.<sup>3</sup>

6. In compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(e), KU is filing with the Commission one paper copy of the confidential information that identifies by highlighting or other means the information for which confidential protection is sought and one electronic copy with the same information obscured.

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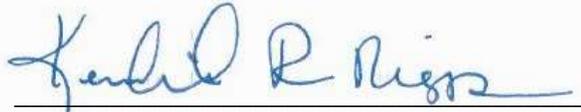
<sup>3</sup> *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

7. KU requests that confidential protection be granted for five years due to the sensitive nature of the information at issue.

**WHEREFORE**, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: February 27, 2017

Respectfully submitted,



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**CERTIFICATE OF COMPLIANCE**

This is to certify that Kentucky Utilities Company's February 27, 2017 electronic filing of the 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 February 27, 2017; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original in paper medium of the Petition and an unobscured copy of the material for which confidentiality is sought sealed in an opaque envelope are being hand delivered to the Commission on February 27, 2017.

A handwritten signature in blue ink, appearing to read "Gerald R. Nigro", is written over a horizontal line.

*Counsel for Kentucky Utilities Company*