

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

In the Matter of:

**ELECTRONIC APPLICATION OF LOUISVILLE)
GAS AND ELECTRIC COMPANY FOR AN)
ADJUSTMENT OF ITS ELECTRIC AND GAS) CASE NO. 2016-00371
RATES AND FOR CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY)**

JBS SWIFT & CO'S PETITION FOR CONFIDENTIAL PROTECTION

JBS Swift & Co ("JBS") petitions the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001, Section 13 and KRS 68.878(1) to grant confidential protection for the item described herein, which JBS seeks to provide in response to item 1 of the Louisville Gas and Electric Company's Data Requests dated March 17, 2017. In support of this Petition, JBS states 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 competitive advantage to competitors of the party seeking confidentiality.
2. In response to Item 1 of LG&E's Data Requests to JBS, JBS is providing a document which relates to its manufacturing process at its Louisville facilities, including its load profile, information related to potential cost

savings for electricity, and equipment list which, if disclosed, could place JBS at an unfair competitive disadvantage with other similar manufacturing processes. Succinctly stated, public disclosure of the information could harm JBS by providing competing companies an opportunity to understand the company's core operations regarding its equipment and its associated electricity consumption. This opportunity would place JBS at an unfair disadvantage in a competitive market. This information should therefore be afforded confidential protection to protect JBS and its on-going ability to compete in a competitive market.

3. The information is proprietary, and if made publicly available, would work to the advantage of JBS' competitors by potentially enabling them to alter or otherwise change their manufacturing process in their competition with JBS' pricing of product.
4. The information for which JBS is seeking confidential treatment is not known outside of JBS and the entity providing the document, is not disseminated within the company except to those employees with a legitimate business need to know and act upon the information, and should be considered confidential and proprietary given the fact that JBS is in competition in the other similar manufacturing processes.
5. JBS will disclose the confidential information, pursuant to a confidentiality agreement, to LG&E.

6. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect JBS' 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.¹
7. In accordance with 807 KAR 5:001, Section 13(2)(a)(3)(b), JBS seeks confidential protection of the entirety of the document. In compliance with KAR 5:001, Section 8(3) and 13(2)(e), JBS is filing with the Commission one paper copy of the document.
8. JBS respectfully requests that the information identified above be kept confidential for a period of five years, after which time JBS will have either completed or abandoned the potential project.

WHEREFORE, JBS respectfully requests that the Commission grant the petition for confidential protection for the information identified 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.

¹ Utility Regulatory Commission v. Kentucky Water Service Commission, Inc., 642 S.W. 2d 591, 592-94 (Ky. App. 1982)

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that the foregoing is a true and accurate copy of JBS Swift & Co's Petition for Confidential Protection filed in paper medium with the Commission; that the electronic filing was transmitted to the Commission on March 31, 2017; that there are no parties that the Commission has excused from participation by electronic means in this proceeding; and that one original of the Petition and an unobscured paper copy of the material for which confidentiality are being sought sealed in an opaque envelope are being delivered to the Commission on March 31, 2017.



Dennis G. Howard, II