

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

**In the Matter of:**

<b>APPLICATION OF LOUISVILLE GAS AND</b>	)	
<b>ELECTRIC COMPANY FOR AN</b>	)	
<b>ADJUSTMENT OF ITS ELECTRIC AND GAS</b>	)	<b>CASE NO. 2016-00371</b>
<b>RATES AND FOR CERTIFICATES OF</b>	)	
<b>PUBLIC CONVENIENCE AND NECESSITY</b>	)	

**PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY**  
**FOR CONFIDENTIAL PROTECTION**

Louisville Gas and Electric Company (“LG&E” 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 LG&E provided in response to Item 3(a) of the Louisville/Jefferson County Metro Government’s (“Louisville Metro”) Initial Data Requests 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>

2. Louisville Metro Item 3(a) asks LG&E to provide the “the planned maintenance schedule by generating unit, including the beginning/ending date, duration and reasons for the outage (i.e., inspection, overhaul).” LG&E petitions the Commission to grant confidential protection for the inadvertently-disclosed outage information. Disclosure of this information would place the Company at an unfair commercial disadvantage by allowing the Company’s competitors to know when their generating plants will be down for maintenance and thus know a

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

crucial input into the Company's generating costs and need for power and energy during those periods. The competitive risk of disclosing this information is that potential suppliers will be able to manipulate the price of power bid to the Company in order to maximize their revenues, thereby causing higher prices for the Company's customers and giving a commercial advantage to competitors. The Commission has previously found that outage schedules merit confidential protection.<sup>2</sup> The public disclosure of this information will create precisely the kind of competitive harm KRS 61.878(1)(c)(1) intends to prevent. Thus, the Commission should grant confidential protection to this information.

3. The information for which LG&E is seeking confidential treatment is not known outside of LG&E, and it is not disseminated within LG&E except to those employees with a legitimate business need to know the information.<sup>3</sup>

4. LG&E 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 LG&E'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>4</sup>

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<sup>2</sup> *In the Matter of: Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates*, Case No. 2014-00372, Order Regarding Request for Confidential Treatment, (Ky. PSC Jan. 14, 2016); *In the Matter of: An Examination of the Application of the Fuel Adjustment Clause of Kentucky Power Company from November 1, 2010 through October 31, 2012* (Case No. 2012-00550) (Ky. PSC Aug. 19, 2013).

<sup>3</sup> On January 25, 2017, in response to this question, LG&E inadvertently electronically filed confidential outage information with the Commission. Later that day, LG&E discovered the inadvertent disclosure, immediately notified the Commission and requested that the confidential information be removed from the public record. In response to LG&E's request, on the morning of January 26, 2017, the Commission removed this schedule from its website.

<sup>4</sup> *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

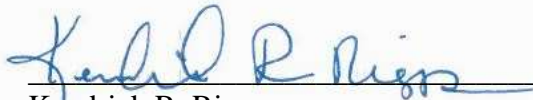
6. In compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(e), LG&E is filing with the Commission one paper copy that identifies by highlighting or other means the information for which confidential protection is sought and one electronic copy with the same information obscured.

7. Due to the ongoing sensitive nature of the commercial information at issue, the Company requests that confidential protection be granted for an indefinite period.

**WHEREFORE**, Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: January 26, 2017

Respectfully submitted,



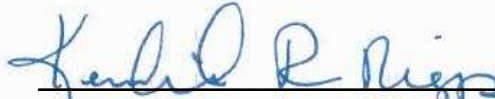
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*Counsel for Louisville Gas and Electric Company*

**CERTIFICATE OF COMPLIANCE**

This is to certify that Louisville Gas and Electric Company's January 26, 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 January 26, 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 January 26, 2017.

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

*Counsel for Louisville Gas and Electric Company*