

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

**In the Matter of:**

<b>JOINT APPLICATION OF DUKE ENERGY )</b>	
<b>KENTUCKY, INC., EAST KENTUCKY )</b>	
<b>POWER COOPERATIVE, INC., )</b>	
<b>KENTUCKY UTILITIES COMPANY, AND )</b>	
<b>LOUISVILLE GAS AND ELECTRIC )</b>	<b>CASE NO. 2017-00410</b>
<b>COMPANY FOR APPROVAL OF )</b>	
<b>TRANSACTIONS RELATED TO THE )</b>	
<b>RESTORE AGREEMENT )</b>	

**PETITION OF DUKE ENERGY KENTUCKY, INC., EAST KENTUCKY POWER  
COOPERATIVE, INC., KENTUCKY UTILITIES COMPANY AND LOUISVILLE GAS  
AND ELECTRIC COMPANY FOR CONFIDENTIAL PROTECTION**

Duke Energy Kentucky, Inc. ("Duke"), East Kentucky Power Cooperative, Inc. ("EKPC"), Kentucky Utilities Company ("KU"), and Louisville Gas and Electric Company ("LG&E") (jointly the "Joint Applicants"), pursuant to 807 KAR 5:001, Section 13, respectfully petition the Commission to classify as confidential and protect from public disclosure certain information provided by the Joint Applicants in response to the Commission Staff's First Request for Information dated November 8, 2017, Items 5 and 6(b). In support of this Petition, the Joint Applicants state 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. Item 6(b) of the Commission Staff's First Request for Information asks the Joint Applicants to provide the original book value of each transformer identified in Appendix B.

Public disclosure of this information could damage the Joint Applicants' competitive positions and business interests. Granting public access to the information provided would necessarily impair the Joint Applicants' ability to negotiate with prospective contractors and vendors -- now equipped to manipulate the price of transformers to maximize revenues.

3. 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 have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act. See KRS 61.878(1)(m)(1). Public disclosure of the information identified herein could subject the public safety to such a risk for the reasons set forth below.

4. Items 5 and 6(b) of the Commission Staff's First Request for Information ask the Joint Applicants to provide information relating to transformers in their inventory and a copy of Appendix B to the RESTORE Agreement identifying the transformers committed and other detailed information. Appendix B contains a list of all the equipment designated by the participants to the RESTORE Agreements and also includes serial numbers and other detailed information about the size, configuration and other operational details. These types of information fall within the Federal Energy Regulatory Commission's ("FERC") classification of Critical Energy Infrastructure Information, which is defined as "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure" that "[r]elates details about the production, generation, transmission, or distribution of energy" that "[c]ould be useful to a person planning an attack on critical infrastructure" that is "exempt from mandatory disclosure under the Freedom of Information Act" and "[g]ives strategic information beyond the location of the critical infrastructure." Because this information contains Critical Energy Infrastructure Information, Joint Applicants must seek confidential protection for

the information. The Joint Applicants do not provide this information without including a disclaimer that notes the information contains Critical Energy Infrastructure Information and should not be disclosed.

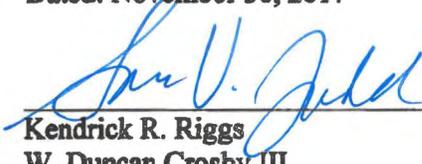
5. The information for which the Joint Applicants are seeking confidential treatment is not known outside of the Joint Applicants' companies unless required by law, is not disseminated within the Joint Applicants' companies except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the energy industry.

6. The Joint Applicants do 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.

7. In accordance with the provisions of 807 KAR 5:001, Section 13, the Joint Applicants are filing with the Commission one copy of the Confidential Information highlighted and one copy without the Confidential Information.

**WHEREFORE**, the Joint Applicants respectfully request the Commission grant confidential protection to the information designated as confidential for an indefinite period of time.

Dated: November 30, 2017

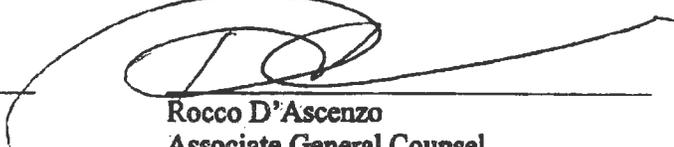


Kendrick R. Riggs  
W. Duncan Crosby III  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202-2828  
Telephone: (502) 333-6000  
Facsimile: (502) 627-8722  
[kendrick.riggs@skofirm.com](mailto:kendrick.riggs@skofirm.com)  
[duncan.crosby@skofirm.com](mailto:duncan.crosby@skofirm.com)

Allyson K. Sturgeon  
Senior Corporate Attorney  
Sara Judd  
Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, Kentucky 40202  
Telephone: (502) 627-2088  
Facsimile: (502) 627-3367  
[allyson.sturgeon@lge-ku.com](mailto:allyson.sturgeon@lge-ku.com)  
[sara.judd@lge-ku.com](mailto:sara.judd@lge-ku.com)

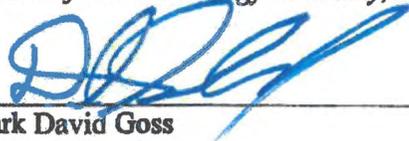
*Counsel for Kentucky Utilities Company and  
Louisville Gas and Electric Company*

Respectfully submitted,



Rocco D'Ascenzo  
Associate General Counsel  
Duke Energy Kentucky, Inc.  
139 East Fourth Street, 1313 Main  
Cincinnati, Ohio 45201-0960  
Telephone: (513) 287-4320  
Facsimile: (513) 287-4385  
[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)

*Counsel for Duke Energy Kentucky, Inc.*



Mark David Goss  
David G. Samford  
M. Evan Buckley  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B-325  
Lexington, KY 40504  
Telephone: (859) 368-7740  
Facsimile:  
[mdgoss@gosssamfordlaw.com](mailto:mdgoss@gosssamfordlaw.com)  
[david@gosssamfordlaw.com](mailto:david@gosssamfordlaw.com)  
[ebuckley@gosssamfordlaw.com](mailto:ebuckley@gosssamfordlaw.com)

*Counsel for East Kentucky Power  
Cooperative, Inc.*

**CERTIFICATE OF COMPLIANCE**

This is to certify the Duke Energy Kentucky, Inc., East Kentucky Power Cooperative, Inc., Kentucky Utilities Company, and Louisville Gas and Electric Company's 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 November 30, 2017; that there are currently no parties that the Commission has excused from participation by electronic means in these proceedings; and that an original of the Petition, in paper medium, will be delivered to the Commission within two business days.

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