

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF PPL CORPORATION,)
PPL SUBSIDIARY HOLDINGS, LLC, PPL)
ENERGY HOLDINGS, LLC, LG&E AND KU)
ENERGY LLC, LOUISVILLE GAS AND)
ELECTRIC COMPANY AND KENTUCKY) **CASE NO. 2017-00415**
UTILITIES COMPANY FOR APPROVAL OF AN)
INDIRECT CHANGE OF CONTROL OF)
LOUISVILLE GAS AND ELECTRIC COMPANY)
AND KENTUCKY UTILITIES COMPANY)

PPL CORPORATION’S PETITION FOR CONFIDENTIAL PROTECTION

PPL Corporation 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 which PPL Corporation is providing in response to the Commission Staff’s Post-Hearing Request for Information dated March 23, 2018. In support of this Petition, PPL Corporation states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain information the disclosure of which is prohibited by federal law or regulation. KRS 61.878(1)(k). Under 26 U.S.C.A. § 6103(a), state officials are prohibited from publicly disclosing any federal tax return or its information. Therefore, federal tax returns and their information fall within the exemption provided by KRS 61.878(1)(k) and are exempt from disclosure. The response to Item No. 1 includes information concerning the tax basis and cash distributions of a PPL Corporation entity. This information is used to develop the content of and is embedded in the PPL Corporation’s combined federal tax returns data. Therefore, this information must be afforded confidential protection.

2. In addition, 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 commercial advantage to competitors of the party seeking confidentiality. The response to Item No. 1 includes information concerning the tax basis of and cash distributions of a PPL Corporation entity. This information is generally recognized as confidential and proprietary, and would create an unfair advantage to PPL Corporation's competitors. For example, the disclosure of the tax information, particularly tax basis, could be used to the disadvantage of PPL Corporation if the PPL Corporation entity at issue were to be sold. Therefore, this information should be afforded confidential protection.

3. The information for which the Companies are seeking confidential treatment is not known outside of PPL Corporation, is not disseminated within PPL Corporation 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. If the Commission disagrees with any of these requests for confidential protection, it must hold an evidentiary hearing (a) to protect the Companies' 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

5. In compliance with 807 KAR 5:001 Sections 8(3) and 13(2)(e), PPL Corporation is filing with the Commission one paper copy that identifies by highlighting the information for

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

which confidential protection is sought and one electronic copy with the same information obscured.

6. PPL Corporation respectfully request that the information identified above be kept confidential indefinitely.

WHEREFORE, PPL Corporation respectfully requests that the Commission grant confidential protection for the information described 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.

Dated: March 29, 2018

Respectfully submitted,



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Counsel for the Joint Applicants

CERTIFICATE OF COMPLIANCE

This is to certify that Kentucky Utilities Company and Louisville Gas and Electric Company's March 29, 2018 electronic filing of the Joint 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 March 29, 2018; 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 Joint Petition is being hand-delivered to the Commission on April 2, 2018.

A handwritten signature in blue ink, reading "Allyson K. Sturges", written over a horizontal line.

Counsel for the Joint Applicants