

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC JOINT APPLICATION OF)
LOUISVILLE GAS AND ELECTRIC)
COMPANY AND KENTUCKY UTILITIES)
COMPANY FOR REVIEW, MODIFICATION,) CASE NO. 2017-00441
AND CONTINUATION OF CERTAIN)
EXISTING DEMAND-SIDE MANAGEMENT)
AND ENERGY EFFICIENCY PROGRAMS)

**PETITION OF WAL-MART STORES EAST, LP AND SAM'S EAST, INC.
FOR CONFIDENTIAL PROTECTION**

Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), by counsel, hereby petitions the Kentucky Public Service Commission ("Commission") pursuant to Section 13 of 807 KAR 5:001 and KRS 61.878(1)(c)(1), to grant confidential protection for certain categories of information being produced by Walmart as Exhibit A in response to Request Nos. 1(b) and 2(b) of the Commission Staff's Initial Request for Information to Walmart. In support of its Petition, Walmart states as follows:

1. Kentucky Revised Statute 61.878(1)(c)(1) indicates that records or information confidentially disclosed to a state agency that are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to competitors of the entity disclosing the information, are exempt from disclosure.

2. This statutory provision includes disclosure of information to the Commission or Commission Staff as part of these proceedings.

3. Section 13(2)(a) of 807 KAR 5:001 permits a party to request confidential treatment from the Commission by motion, specifying the specific grounds for the request and the time period for which the information is requested to be retained as confidential.

4. Request No. 1(b) seeks information concerning the average load factor for each of Walmart's facilities in the Louisville Gas and Electric Company and Kentucky Utilities Company ("KU/LGE") service territory. Request No. 2(b) asks for the monthly load for each of Walmart's stores in the KU/LGE service territory. The information sought in Request Nos. 1(b) and 2(b) (the "Confidential Information") requires Walmart to produce individual account usage information for each of its accounts in KU/LGE's service territory.

5. The Confidential Information for which Walmart is seeking confidential treatment (Exhibit A to its Responses to Commission Staff's Initial Request for Information to Walmart) is not generally known outside of Walmart.

6. The Confidential Information, if publicly disclosed, could place Walmart at a competitive disadvantage in the marketplace, as Walmart's commercial competitors could use this Confidential Information to discern Walmart's strategies and operational metrics with respect to electric consumption and Demand Side Management ("DSM")/Energy Efficiency ("EE") DSM-EE participation values for both individual accounts and collectively.

7. Walmart will disclose the Confidential Information, pursuant to a validly executed confidentiality agreement, to Commission Staff, KU/LGE, to any intervenor(s) that has a legitimate interest in this information, and as required by the Commission.

8. If the Commission disagrees with this request for confidential protection, however, it should hold an evidentiary hearing: (a) to protect Walmart'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.

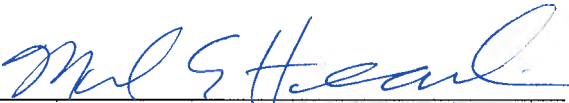
9. In compliance with Section 8(3) and 12(2)(e) of 807 KAR 5:001 and the Commission's January 4, 2018 Procedural Order, Walmart is filing with the Commission one paper copy that identifies the Confidential Information by highlighting the specific information for which confidential protection is sought. Walmart is also providing one electronic copy, but with the Confidential Information redacted.

9. The nature of the Confidential Information is such that it is likely to remain competitively sensitive and proprietary indefinitely. In light of the ongoing sensitive nature of the commercial information at issue, Walmart requests that confidential protection be granted for an indefinite period.

WHEREFORE, Walmart respectfully requests that the Commission grant confidential protection the document produced as Exhibit A in response to Request Nos. 1(b) and 2(b) of the Commission Staff's Initial Request for Information.

Respectfully submitted,

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Dated: April 19, 2018