

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

**In the Matter of:**

<b>APPLICATION OF KENTUCKY UTILITIES</b>	)	
<b>COMPANY FOR A CERTIFICATE OF PUBLIC</b>	)	<b>CASE NO: 2017-00483</b>
<b>CONVENIENCE AND NECESSITY AND</b>	)	
<b>APPROVAL OF AMENDMENT TO ITS 2016</b>	)	
<b>COMPLIANCE PLAN FOR RECOVERY BY</b>	)	
<b>ENVIRONMENTAL SURCHARGE</b>	)	

**KENTUCKY UTILITIES COMPANY'S**  
**PETITION FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”) 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 item described herein which the Company seeks to provide in the testimony and exhibit of Stuart A. Wilson. In support of this petition, KU 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 commercial advantage to competitors of the party seeking confidentiality.

2. In the Direct Testimony of Stuart A. Wilson and in Exhibit SAW-1 to Mr. Wilson’s testimony, which support KU’s Application in this proceeding, KU is providing information about what the transportation and related costs would need to be on a per-cubic yard basis for it to be the lowest reasonable cost for KU use a municipal landfill to dispose of certain coal-combustion residuals (“CCR”) than to build an amended Phase II of the CCR landfill at the E.W. Brown Generating Station (“Brown” or “Brown Station”). This includes confidential information regarding the cost and specifics of a proposal KU received for opening a section of

the municipal landfill. KU is also providing KU's cost to dispose of CCR on a per-cubic yard basis at the Brown Landfill. Additionally, in Exhibit SAW-1, KU provides the present value of revenue requirements for the municipal landfill alternative in low, mid, and high gas-coal spread scenarios. This information is confidential and highly commercially sensitive. Publicly disclosing it would hinder KU's ability to receive the best proposals and procure the best contract terms in future negotiations for disposal services, both on-site and off-site, by providing potential vendors the price ceiling on what KU would be willing to pay, which would reduce, if not eliminate, vendors' incentive to provide their most competitive bids. Diminishing KU's ability to receive the best proposals and contract for the best possible terms would harm both KU and its customers through increased costs of service. This information should therefore be afforded confidential protection to protect KU and its customers.

3. The Commission has given confidential protection to similarly sensitive information in prior proceedings.<sup>1</sup>

4. The information for which KU is seeking confidential treatment is not known outside of KU and the entity entering each contract, is not disseminated within KU 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.

5. 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

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<sup>1</sup> See, e.g., *In the Matter of: Application of Kentucky Utilities Company for Certificates of Public Convenience and Necessity and Approval of its 2016 Compliance Plan for Recovery by Environmental Surcharge*, Case No. 2016-00026, Order (Ky. PSC Sept. 27, 2016); *In the Matter of: Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates*, Case No. 2014-00371, Order Regarding Request for Confidential Treatment (Ky. PSC Dec. 2, 2015).

and (b) to supply with the Commission with a complete record to enable it to reach a decision with regard to this matter.<sup>2</sup>

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

7. KU respectfully requests that the information identified in the Direct Testimony of Stuart A. Wilson and Exhibit SAW-1 be kept confidential for a period of five years, after which time the information will be of little use in the market.

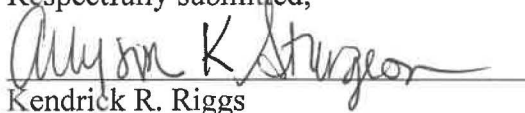
**WHEREFORE**, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information described herein, or, in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

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

Dated: January 26, 2018

Respectfully submitted,



Kendrick R. Riggs  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202-2828  
Telephone: (502) 333-6000  
Fax: (502) 627-8722  
kendrick.riggs@skofirm.com

Allyson K. Sturgeon  
Senior Corporate Attorney  
LG&E and KU Services Company  
220 West Main Street  
Louisville, Kentucky 40202  
Telephone: (502) 627-2088  
Fax: (502) 627-3367  
allyson.sturgeon@lge-ku.com

*Counsel for Kentucky Utilities Company*

**CERTIFICATE OF COMPLIANCE**

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Kentucky Utilities Company's January 26, 2018 electronic filing is a true and accurate copy of the documents being filed in paper medium; that the electronic filing was transmitted to the Commission on January 26, 2018; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that an original and one copy of the filing is being hand-delivered to the Commission on January 26, 2018; and that on January 26, 2018, electronic mail notification of the electronic filing will be provided to the following:

Rebecca Goodman  
Lawrence W. Cook  
Office of the Attorney General  
Office of Rate Intervention  
700 Capitol Avenue, Suite 20  
Frankfort, KY 40601  
Rebecca.Goodman@ky.gov  
Larry.Cook@ky.gov

Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202  
mkurtz@BKLawfirm.com

  
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*Counsel for Kentucky Utilities Company*