

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)
KENTUCKY UTILITIES COMPANY FOR AN) **CASE NO. 2018-00294**
ADJUSTMENT OF ITS ELECTRIC RATES)

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU” 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 KU seeks to provide in connection with the Rebuttal Testimonies of David S. Sinclair and Lonnie E. Bellar.

In addition to the Rebuttal Exhibits described below, the Company is seeking confidential protection for the redacted portions of Mr. Sinclair’s Rebuttal Testimony pursuant to the Petitions for Confidential Protection filed with the Commission on December 6, 2018, and January 2, 2019.

Confidential or Proprietary Commercial Information (KRS 61.878(1)(c)(1))

1. The Kentucky Open Records Act exempts from disclosure confidential or proprietary information, of a kind generally recognized to be confidential or propriety, to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission.

2. Included with Mr. Sinclair’s Rebuttal Testimony as Rebuttal Exhibit DSS-2 are Ohio Valley Electric Corporation (OVEC) Indiana-Kentucky Electric Corporation (IKEC) Board of Directors’ Meeting Agendas. These agendas include proprietary information regarding subjects discussed at the Board of Directors’ meetings and which director or OVEC management

member discussed each subject. These agendas illustrate the nature of the topics discussed by OVEC management with the board. Similarly, Rebuttal Exhibit DSS-3 contains commercially sensitive information regarding OVEC demand charge savings since the 2011 Inter-Company Power Agreement (ICPA). This exhibit shows a summary comparison of OVEC's 2011 projected demand charges and actual demand charges for calendar years 2012-2018, as well as OVEC's 2011 forecast of all billable charges and OVEC's summary of actual billed charges for calendar years 2012-2018.

3. KU purchases power from OVEC pursuant to a long-existing cost-based Inter-Company Power Agreement. Public disclosure of this confidential information would provide insight into OVEC's decision-making and operational processes, which may ultimately adversely impact the price of power the Company purchases from OVEC. OVEC and other similar parties do not want confidential information publicly disclosed because such information could be used against them in future negotiations with other customers or by their competitors. OVEC and other similar parties are more likely to provide proposals and enter contracts when they know that commercially sensitive terms or considerations made during their decision-making process will not be known to their competitors or their customers. OVEC's vendors would not favor public disclosure of this information, and may be less willing to enter into contracts with OVEC or offer OVEC concessions if the information is disclosed.

4. Included with Mr. Bellar's Rebuttal Testimony as Exhibit LEB-Rebuttal-1 is the Contract for Electric Service between KU and Global Win Wickliffe LLC. Portions of this contract merit confidential protection because it contains confidential business information, namely the compensation Global Win Wickliffe LLC will pay the Company. If other customers had access to this information, these customers could use this information to unfairly negotiate

agreements with the Company. Thus, disclosing the financial information could potentially harm the relationships that KU has with existing customers and could place KU at a competitive disadvantage in negotiating future contracts.

5. Lastly, the attachment includes the contract account number. 807 KAR 5:001(4)(10) prohibits disclosure of customer account names and customer account numbers together, even if provided confidentially.¹ The identification of customer account numbers is personal information that should not be in the public domain. KU has redacted the account number as required by 807 KAR 5:001(4)(10).

6. The information for which KU is seeking confidential treatment is not known, to the Company's knowledge, outside of the Company and its counsel, OVEC and its counsel, and other limited parties (pursuant to confidentiality arrangements). It is not disseminated within the Company except to those employees with a legitimate business need to know and act upon the information.

7. KU 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.

8. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply with

¹ 807 KAR 5:001(4)(10) pertains to privacy protection and is applicable to all filings. 807 KAR 5:001(4)(10)(a) reads: "If a person files a paper containing personal information, the person shall encrypt or redact the paper so that personal information cannot be read. Personal information shall include a business name; an individual's first name or first initial and last name in combination with one (1) or more of the following data elements: (3) the digits of an account number ..."

the Commission with a complete record to enable it to reach a decision with regard to this matter.²

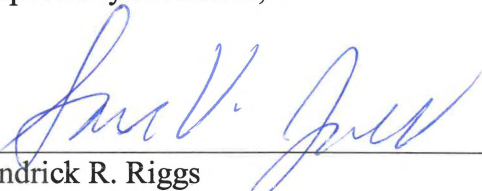
9. In compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(e), KU is filing with the Commission one paper copy that identifies by highlighting the information for which confidential protection is sought and one electronic copy with the same information obscured.

10. KU requests that confidential protection be granted for five years due to the sensitive nature of the information at issue.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: February 22, 2019

Respectfully submitted,



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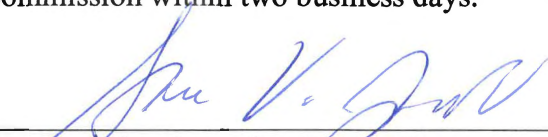
² *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

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CERTIFICATE OF COMPLIANCE

This is to certify that Kentucky Utilities Company's February 22, 2019 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 February 22, 2019; 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 delivered to the Commission within two business days.



Counsel for Kentucky Utilities Company