

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU” or “the Company”) 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 information described herein, which KU is providing in a supplemental response to Kentucky Industrial Utility Customers, Inc.’s (“KIUC”) Supplemental Set of Data Requests Item No. 8 in the above-captioned proceeding. In support of this Petition, KU states as follows:

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

1. The Kentucky Open Records Act exempts from disclosure certain commercial information.¹ To qualify for the exemption and maintain the confidentiality of the information, a party must establish that the material is of a kind “generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”²

2. In the attachment provided in response to KIUC Item 8, KU is providing a spreadsheet with information regarding the winning bidder and finalized bid prices for new meter reading and field service contracts. Because the bids were not finalized at the time the

¹ KRS 61.878(1)(c).

² *Id.*

Company filed its responses to KIUC's Supplemental Set of Data Requests on January 2, 2019, the Company is requesting confidential protection for this information at this time. The spreadsheet contains sensitive commercial information in the form of vendor names and winning bid prices. Confidential protection of the bid information is necessary because disclosure would disrupt the competitive bid process and reveal KU's internal analysis of bids to the detriment of the Company and its ratepayers. It would affect the Company's ability to obtain the most reasonable prices for such services in the competitive marketplace and the Company's ability to negotiate rates for services in the future. Furthermore, public disclosure would prejudice the winning bidder by allowing its competitors to know how it offers and prices its services.

3. The information for which KU is seeking confidential treatment is not known outside of KU, and it is not disseminated within KU except to those employees with a legitimate business need to know the information.

4. 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.

5. 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 the Commission with a complete record to enable it to reach a decision with regard to this matter.³

6. Pursuant to 807 KAR 5:001, Section 13(2)(a)(3)(b), confidential treatment is sought for the entire document produced in response to KIUC Item No. 8. As required by 807 KAR 5:001, Section 13(2)(a)(3)(b), written notification that the entire document is confidential is filed in lieu of highlighting.

³ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

7. 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 to the information designated as confidential.

Dated: February 21, 2019

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

This is to certify that Kentucky Utilities Company's February 21, 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 21, 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