

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

**ELECTRONIC APPLICATION OF)
LOUISVILLE GAS AND ELECTRIC) CASE NO. 2018-00295
COMPANY FOR AN ADJUSTMENT OF ITS)
ELECTRIC AND GAS RATES**

**PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION**

Louisville Gas and Electric Company (“LG&E” 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 LG&E is providing in response to Commission Staff’s Post-Hearing Request for Information Item No. 18 in the above-captioned proceeding. In support of this Petition, LG&E 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 response provided to Commission Staff Item No. 18, LG&E is providing information regarding contractor costs for line locating services. The response includes the names of the contractors the Company hired and their base ticket rates and hourly rates. Because

¹ KRS 61.878(1)(c).

² *Id.*

the Company uses a competitive bid process to award these contracts, this pricing is considered sensitive commercial information. Confidential protection should be granted to the prices in this response because disclosure 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 LG&E is seeking confidential treatment is not known outside of LG&E, and it is not disseminated within LG&E except to those employees with a legitimate business need to know the information.

4. LG&E 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 LG&E'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. In compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(e), LG&E 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. LG&E requests that confidential protection be granted for five years due to the sensitive nature of the information at issue.

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

WHEREFORE, Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection to the information designated as confidential.

Dated: March 20, 2019

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

This is to certify that Louisville Gas and Electric Company's March 20, 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 March 20, 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 Louisville Gas and Electric Company