

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE 2018 INTEGRATED RESOURCE)	
PLAN OF LOUISVILLE GAS AND)	CASE NO. 2018-00348
ELECTRIC COMPANY AND)	
KENTUCKY UTILITIES COMPANY)	

**JOINT PETITION OF
LOUISVILLE GAS AND ELECTRIC COMPANY
AND KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION**

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively, the “Companies”) petition the Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1) to grant confidential protection for the information described herein, which the Companies seek to provide as updated responses to Item No. 3(c) of the Attorney General’s Initial Request for Information and Item No. 1 of the Attorney General’s Supplemental Request for Information. In support of this Joint Petition, the Companies state as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure commercially sensitive information to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission. See KRS 61.878(1)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. In response to Item No. 3(c) of the Attorney General’s Initial Request for Information and Item No. 1 of the Attorney General’s Supplemental Request for Information, the Companies are providing all electronic files from the respondents to the Renewable Request for

Proposals (“Renewable RFP”) to supply renewable energy to its customers.¹ These files contain the bids and variations of bids submitted by competitive bidders to supply renewable energy power, as well as each bidder’s name, the commercial details of each proposal, and the proposed project location for each bid. The bid files also contain supporting documentation, including projected hourly production spreadsheets, term sheets, data forms, and some files contain further communications concerning the negotiations between the Companies and the bidders. The detailed information contained in these bid files typically is not in the public record and provided only to requesting counter-parties in connection with competitive bid solicitations and non-public negotiations. The Companies used this information to analyze each bid and to determine which bidder to select.

3. Confidential protection of the competitive bid information is necessary because disclosure would disrupt the competitive bid process and reveal the Companies’ internal analysis of bids to the detriment of the Companies and their ratepayers. Public disclosure would also prejudice each bidding vendor by allowing its competitors to know how it offers and prices its projects. In fact, nearly all of the bid proposals contain a confidential or proprietary clause or marking that contractually prevents the Companies from disclosing the details to a third party. Furthermore, the public disclosure of this information is likely to reduce the willingness of entities to respond to requests for proposals or to contract or otherwise transact business with the Companies in the future. The public disclosure of this information would create precisely the kind of competitive harm KRS 61.878(1)(c)(1) intends to prevent. The Companies request confidential

¹ The Companies requested confidential treatment for the “2019 Resource Assessment: Renewable RFP” and the “Response Summary” spreadsheet in its Joint Petition for Confidential Protection filed on January 23, 2020 in Case No. 2020-00016.

treatment for the entirety of the electronic files submitted by the respondents to the Renewable RFP.

4. The information for which the Companies are seeking confidential treatment is not known outside of the Companies and its counsel.² It is not disseminated within LG&E and 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. The Companies 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.

6. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect the Companies' 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. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

7. Due to the voluminous nature of the information provided in response to Item No. 3(c) of the Attorney General's Initial Request for Information and Item No. 1 of the Attorney General's Supplemental Request for Information, LG&E and KU are requesting a deviation from 807 KAR 5:001, Sections 8(3) and 13(2) and will file the confidential information described above with the Commission on a portable electronic storage medium once the state of emergency announced in Executive Order 2020-215 has been lifted.

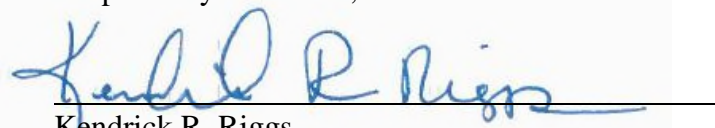
² The individual bidders who submitted their respective confidential bid information are not privy to the other bidders' confidential information for which the Companies are seeking protection in this proceeding.

8. LG&E and KU request that the information be kept confidential for at least five years from the date of this filing as that is the amount of time necessary before the confidential information becomes dated to the point that the need for protection no longer exists.

WHEREFORE, Louisville Gas and Electric Company and Kentucky Utilities Company respectfully request that the Commission grant confidential protection for the information described herein.

Dated: June 17, 2020

Respectfully submitted,




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CERTIFICATE OF COMPLIANCE

This is to certify that Louisville Gas and Electric Company and Kentucky Utilities Company's June 17, 2020 electronic filing of the Joint 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 June 17, 2020; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that within 30 days following the end of the state of emergency announced in Executive Order 2020-215 this Petition in paper medium will be delivered to the Public Service Commission.



*Counsel for Louisville Gas and Electric Company
and Kentucky Utilities Company*