

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In re the Matter of:)
)
THE 2018 INTEGRATED RESOURCE) **CASE NO. 2018-00348**
PLAN OF LOUISVILLE GAS AND)
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, to grant confidential protection for the information described herein, which the Companies are providing in response to the Attorney General’s Initial Request for Information Item No. 46 in the above-captioned proceeding.¹ 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 the Attorney General’s Initial Request for Information Item No. 46, the Companies are providing tables that display the annual forecasts of total electricity production costs broken down into fixed and variable operating and maintenance costs. These

¹ The Companies’ Joint Petition for Confidential Protection filed on October 19, 2018 requested confidential protection for the information included in Table 8-8 of the initial IRP filing, which is referenced in the text of the Attorney General’s Initial Request for Information Item No. 46.

forecasted production costs include the cost of fuel. This information was developed internally by the Companies' personnel, is not on file with any public agency, is not available from any commercial or other source outside the Companies, and is distributed within the Companies only to those employees who must have access for business reasons. If the Commission grants public access to this information, LG&E and KU could be disadvantaged in negotiating contracts in the future, and could also be disadvantaged in the wholesale energy market because power production data is an important component of energy pricing. Public disclosure would provide insight into the Companies' cost of producing power and would indicate the prices at which the Companies are willing to sell power. Public access of this information would impact the Companies' ability to negotiate with prospective contractors and vendors, and could harm the Companies' competitive position in the wholesale power market. All such commercial harms would ultimately harm the Companies' customers, who would have to pay higher rates if the disclosed information resulted in higher production prices.

3. The information for which the Companies are seeking confidential treatment is not known outside of the Companies and its counsel and other limited parties (pursuant to confidentiality arrangements). 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.

4. The Commission has given confidential treatment to similar information in previous IRP cases. For example, see the Commission's Orders dated August 9, 2019 and August 13, 2019, concerning the Companies' 2014 IRP case (Case No. 2014-00131), see the Commission's letter to the Companies dated October 10, 2011, concerning the Companies' 2011 IRP case (Case No. 2011-00140); the Commission's letter to the Companies dated May 1, 2008,

concerning the Companies' 2008 IRP case (Case No. 2008-00148); the Commission's letter to the Companies dated April 28, 2005, concerning the Companies' 2005 IRP case (Case No. 2005-00162); the Commission's letter to the Companies dated October 24, 2002, concerning the Companies' 2002 IRP case (Case No. 2002-00367); and the Commission's letter to the Companies dated March 6, 2000, concerning the Companies' 1999 IRP case (Case No. 99-430).

5. 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).

6. In compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(e), LG&E and KU are 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 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: October 31, 2019.

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

This is to certify that Louisville Gas and Electric Company and Kentucky Utilities Company's October 31, 2019 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 October 31, 2019; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original paper medium of the Petition and an unobscured copy of the material for which confidentiality is sought sealed in an opaque envelope are being hand delivered to the Commission within two business days from the date of the electronic filing.



Kenneth R. Niess
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and Kentucky Utilities Company