

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION)	
OF THE FUEL ADJUSTMENT CLAUSE OF)	CASE NO.
KENTUCKY UTILITIES COMPANY FROM)	2019-00004
NOVEMBER 1, 2016 THROUGH OCTOBER 31, 2018)	

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU”), pursuant to 807 KAR 5:001, Section 13, respectfully petitions the Commission to classify as confidential and protect from public disclosure certain information provided by KU in response to Question Nos. 4 and 32 of the Commission’s data requests, as contained in the Appendix to the Commission’s Order dated February 11, 2019. The information for which KU requests confidential treatment (“Confidential Information”) pertains to bid analysis information (No. 4(b)) and planned maintenance schedules (No. 32). In support of this Motion, KU notes that the Commission has treated this information as confidential in KU’s recent six-month and two-year fuel adjustment clause review proceedings.

In further support of this Petition, KU states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it 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. Disclosure of the factors underlying KU's bid analysis/selection process would likewise damage KU's competitive position and business interests. This information reveals the business model the Company uses -- the procedure it follows and the factors/inputs it considers -- in evaluating bids for coal supply. If the Commission grants public access to the information requested in Question No. 4(b), potential bidders could manipulate the bid solicitation process to the detriment of KU and its ratepayers by tailoring bids to correspond to and comport with KU's bidding criteria and process. As noted above, the Commission has treated such information as confidential in the past.

3. Public disclosure of information regarding KU's plant maintenance schedules would lay bare critical "down time" information, an essential factor in determining KU's generating costs and need for power and energy during those periods. Thus, disclosing the information requested in Question No. 32 would necessarily impair KU's ability to negotiate with prospective contractors and vendors -- now equipped to manipulate the price of power bid to KU to maximize revenues -- and would likewise arm KU's competitors with information with which they could erode KU's competitive position in the wholesale power market. As noted above, the Commission has treated such information as confidential in the past.

4. The information for which KU is seeking confidential treatment is not known outside of KU, is not disseminated within 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. KU does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in this case.

6. In accordance with the provisions of 807 KAR 5:001, Section 13, KU is filing with the Commission one copy of the Confidential Information highlighted and one (1) copy without the Confidential Information.

WHEREFORE, Kentucky Utilities Company respectfully requests the Commission grant confidential protection: (1) to the information designated as confidential in response to Question Nos. 4(b) and 32 for a period of five years from the date of filing the same.

Dated: February 25, 2019

Respectfully submitted,

A handwritten signature in blue ink that reads "Allyson K. Sturgeon". The signature is written in a cursive style and is positioned above a horizontal line.

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