

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF</b>	)	
<b>KENTUCKY UTILITIES COMPANY FOR AN</b>	)	
<b>ADJUSTMENT OF ITS ELECTRIC RATES, A</b>	)	<b>CASE NO. 2020-00349</b>
<b>CERTIFICATE OF PUBLIC CONVENIENCE</b>	)	
<b>AND NECESSITY TO DEPLOY ADVANCED</b>	)	
<b>METERING INFRASTRUCTURE,</b>	)	
<b>APPROVAL OF CERTAIN REGULATORY</b>	)	
<b>AND ACCOUNTING TREATMENTS, AND</b>	)	
<b>ESTABLISHMENT OF A ONE-YEAR</b>	)	
<b>SURCREDIT</b>	)	

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF</b>	)	
<b>LOUISVILLE GAS AND ELECTRIC</b>	)	
<b>COMPANY FOR AN ADJUSTMENT OF ITS</b>	)	<b>CASE NO. 2020-00350</b>
<b>ELECTRIC AND GAS RATES, A</b>	)	
<b>CERTIFICATE OF PUBLIC CONVENIENCE</b>	)	
<b>AND NECESSITY TO DEPLOY ADVANCED</b>	)	
<b>METERING INFRASTRUCTURE,</b>	)	
<b>APPROVAL OF CERTAIN REGULATORY</b>	)	
<b>AND ACCOUNTING TREATMENTS, AND</b>	)	
<b>ESTABLISHMENT OF A ONE-YEAR</b>	)	
<b>SURCREDIT</b>	)	

**JOINT NOTICE OF**  
**KENTUCKY UTILITIES COMPANY AND**  
**LOUISVILLE GAS AND ELECTRIC COMPANY**  
**REGARDING ORDER OF DECEMBER 7, 2021**

By Order of December 7, 2021 in these matters, the Commission ruled on Kentucky Utilities Company’s and Louisville Gas and Electric Company’s (collectively, the “Companies”) November 25, 2020, December 15, 2020, January 22, 2021, and February 19, 2021 Petitions for Confidential Treatment. While the December 7, 2021 Order granted confidential treatment for most of the information for which confidential protection was sought, the Commission denied

confidential treatment for four categories of information: (1) executive compensation; (2) hourly rates paid for external professional (including legal) services; (3) projected percentage of general wage and merit increase for the Companies' labor force; and (4) past and projected legal expense in a litigation matter captioned *Kentucky Waterways Alliance v. Kentucky Utilities Company*.

Ordering Paragraph 16 of the Commission's Order states:

16. If LG&E/KU objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights *will be deemed as agreement* with the Commission's determination of which materials should be granted confidential treatment.<sup>1</sup>

While the Companies have sound and good faith bases for seeking rehearing or judicial review of the Commission's Order regarding the four categories of information for which confidential treatment was denied, the Companies hereby notify the Commission that they do not plan to exercise those statutory rights at this time. However, out of an abundance of caution, the Companies further notify the Commission that they do not agree with the decisions to deny confidential treatment and specifically refute the notion of Ordering Paragraph 16 that their election not to seek rehearing or judicial review somehow amounts to a deemed agreement with the Commission's determination now or in the future. The Companies do not so agree and hereby reserve their rights to seek confidential treatment for those categories of information in any future Commission proceedings.

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<sup>1</sup> Order of December 7, 2021, Ordering Paragraph 16, p. 15 (emphasis added).

Dated: December 23, 2021

Respectfully submitted,



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**CERTIFICATE OF COMPLIANCE**

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on December 23, 2021, and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



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