

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU” or the “Company”) hereby 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 items described herein, which KU seeks to provide in response to Items 28(a), 28(g), 29(b), 30(e), 61(b), and 74(d) of the Joint Supplemental Data Requests of the Attorney General and Kentucky Industrial Utility Customers, Inc. (“AG/KIUC”); Items 45 and 49 of Lexington Fayette Urban County Government’s (“LFUCG”) Second Request for Information; and Item 6(b) of the Sierra Club’s Supplemental Data Requests.

Confidential or Proprietary Commercial Information (KRS 61.878(1)(c)(1))

1. The Kentucky Open Records Act exempts from disclosure information “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.”¹

¹ KRS 61.878(1)(c)(1).

2. AG/KIUC Item 28(a) requests a copy of the agreement(s) applicable to the Cane Run 7 LTSC Asset balance and AG/KIUC Item 28(g) requests a copy of the agreement(s) applicable to the Brown 6 and 7 LTSA Asset balance. In response, KU is providing the applicable vendor agreement relating to each asset balance. The LTSC contains a confidentiality provision that the Parties shall not disclose information marked confidential or proprietary and each page of the LTSC is marked with a confidential footer. The LTSA states that the entire agreement is considered confidential information. KU therefore has a duty to keep the entirety of the agreements confidential. Public disclosure of these agreements could harm the relationship between KU and the vendors and others that provide services to KU. If the agreements are disclosed, vendors may be less willing to provide services to KU in the future to the detriment of KU and its ratepayers. KU requests confidential protection of the entirety of the agreements provided in response to AG/KIUC Items 28(a) and 28(g).

3. AG/KIUC Item 30(e) requests a copy of all support relied on for the amount of meter reading expenses in the test year and the increase over the base year. In response, KU is providing a document containing test year meter reading supplemental contractor costs. Similarly, AG/KIUC Item 74(d) asks the Company to provide full details regarding the calculation of reductions in the Companies' costs on "Field Services" line of tab "Risk_AMI+AMR_GO". In response, KU is providing an Excel spreadsheet containing projected costs and savings. The public disclosure of the information contained in the attachments to both Responses would prejudice the contractors used for meter reading and field services by allowing their competitors to know how each offers and prices services. Public disclosure would also 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. Additionally, KU requested confidential

treatment for the Excel spreadsheet upon which the attachment to AG/KIUC Item 74(d) is based in its Petition for Confidential Protection filed on January 22, 2021.

4. AG/KIUC Item 61(b) relates to the new communications network technologies from AT&T and Verizon Wireless that dedicate bandwidth to client such as first responders and utilities. AG/KIUC Item 61(b) requests “any technical evaluation of these technologies, or the option to employ them for direct meter communications the Companies completed, as part of its evaluation of the RF Mesh meter communications network option the Companies ultimately proposed.” KU is providing a FirstNet PowerPoint presentation in response. This presentation includes pricing from the vendor and financial analyses developed by the Company. For the reasons stated above in paragraph 3, the public disclosure of this information would provide the vendor’s competitors a commercial advantage, which could also disadvantage the Company in future procurement activities. KU is requesting the highlighted portions of the PowerPoint presentation be treated as confidential.

5. AG/KIUC Item 29(b) asks the Company to provide copies of source budget information provided by Ohio Valley Electric Corporation (“OVEC”). In response, the Company is providing a document entitled Projected Inter-Company Power Agreement (“ICPA”) Billable Cost Summary, which details projected energy, transmission, generation, and non-operating costs. The filed copy of this document contains redactions to protect confidential projected information from public disclosure. KU purchases power from OVEC pursuant to the long-existing cost-based ICPA. Public disclosure of this confidential information would affect OVEC’s ability to obtain the most reasonable prices for goods and services in the competitive marketplace, which would adversely impact the price of power the Company purchases from OVEC. OVEC and other similar parties do not want confidential information or concessions they have made publicly disclosed

because such information could be used against them in their future negotiations with other customers or by their competitors. OVEC and other similar parties are more likely to provide proposals and enter contracts when they know that sensitive terms will not be known to their competitors or their other customers. OVEC's vendors also would not favor public disclosure of this information, and may be less willing to enter into contracts with OVEC or offer OVEC concessions if the information is disclosed. The confidential information in the attachment provided in response to AG/KIUC Item 29(b) should therefore be afforded confidential protection to protect the Company and its customers.

6. Sierra Club Item 6(b) requests information regarding the Company's legal fees and expenses incurred in connection with a civil case. KU is providing certain amounts in the text of its response to Sierra Club Item 6(b). The public disclosure of this information will prejudice the service provider by allowing its competitors insight into how much it charges to defend a civil lawsuit and how the service provider prices its services. Public disclosure will also prejudice the Company's ability to obtain the most reasonable prices for such professional services in the competitive marketplace and negotiate the rates for professional services in the future. Thus, the Commission should grant confidential protection to this information. KU requests that the Commission protect from public disclosure the confidential information highlighted within the text of the response to Sierra Club Item 6(b).

Critical Energy Infrastructure Information (KRS 61.878(1)(m))

7. KRS 61.878(1)(m)(1) exempts from disclosure public records that have a reasonable likelihood of threatening public safety by exposing a vulnerability, such as infrastructure records that disclose the "location, configuration, or security of critical systems," or "detailed drawings,

schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems.”

8. LFUCG Item 45 requests KU to provide the location of all transmission lines in Fayette County and the kV level of each. LFUCG Item 49 requests KU to provide a true-scale map of Fayette County (or larger geographical area) identifying KU’s transmission-line corridors and distinguishing between transmission-line corridors that have been cleared under the current five-year plan and transmission-line corridors that have not been cleared under the current five-year plan. KU is providing a detailed transmission circuit map in response to LFUCG Item 45 and a detailed transmission clearing map in response to LFUCG Item 49. Releasing a copy of these maps would provide information regarding connection points within the system and could support a vulnerability assessment by someone intending to harm the Company’s system. The public disclosure of these maps would thus pose a security concern. The Commission has recently granted confidential protection to similar information.² Because the documents relate to the security of the Company’s system, the Company requests that the Commission protect the entirety of the maps provided in response to LFUCG Items 45 and 49 from public disclosure.

The Confidential Information Subject to this Petition

9. The information for which KU is seeking confidential treatment is not known outside of KU, and it is not disseminated within KU except to those employees with a legitimate business need to know the information.

² *Electronic 2018 Integrated Resource Plan of Duke Energy Kentucky, Inc.*, Case No. 2018-00195, Order (Ky. PSC Sept. 3, 2019); *Application of East Kentucky Power Cooperative, Inc. for a Declaratory Order Concerning a Transmission Line Relocation Project*, Case No. 2017-00100, Order (Ky. PSC Mar. 23, 2017); *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, Case No. 2014-00371, Order Regarding Request for Confidential Treatment to AG’s Initial Request for Information (Ky. PSC Dec. 2, 2015).

10. KU 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.

11. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KU'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

12. KU is filing with the Commission one electronic copy that identifies with redactions the information for which confidential protection is sought. Pursuant to the Commission's Order March 24, 2020 Order in Case No. 2020-00085, KU will upload the unredacted copies noting the confidential information with highlighting to its encrypted file-share site for the Commission's retrieval. Access to the encrypted file-share site will be provided to intervenors upon request pursuant to a confidentiality agreement.

13. Due to the serious security concerns related to the disclosure of Critical Energy Infrastructure Information, the Company requests that the responses to the maps provided in response to LFUCG Items 45 and 49 remain confidential indefinitely. For all other requests for confidential protection, the Company requests that confidential protection be granted for five years due to the sensitive nature of the information at issue.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information described herein.

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

Dated: February 19, 2021

Respectfully submitted,

A handwritten signature in blue ink, reading "Kendrick R. Riggs", is written over a horizontal line. The signature is cursive and appears to be on a light-colored background.

Kendrick R. Riggs
Stoll Keenon Ogden PLLC
500 West Jefferson Street
Suite 2000
Louisville, Kentucky 40202-2828
Telephone: (502) 333-6000
Fax: (502) 627-8722
kendrick.riggs@skofirm.com

Allyson K. Sturgeon
Managing Senior Counsel
Regulatory and Transactions
LG&E and KU Services Company
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-2088
Fax: (502) 627-3367
allyson.sturgeon@lge-ku.com

Counsel for Kentucky Utilities Company

CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Kentucky Utilities Company's February 19, 2021 electronic filing is a true and accurate copy of the documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on February 19, 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that a true and correct copy in paper medium will be delivered to the Commission within 30 days of the lifting of the State of Emergency.



Gerald R. Rieps
Counsel for Kentucky Utilities Company