

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 14(c), 14(d), 25, and 26 of Commission Staff’s Sixth Request for Information.

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

1. The Kentucky Open Records Act exempts from disclosure certain records which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.¹
2. Commission Staff Item 14(c) requests a detailed explanation of how fuel prices are forecasted and Commission Staff Item 14(d) requests a detailed explanation of how variable O&M prices are forecasted. In response, KU is providing several Excel attachments containing monthly and annual forecasted volume and price information for natural gas and coal. Information regarding

¹ KRS 61.878(1)(c)(1).

projected fuel prices is confidential information, the public disclosure of which would provide the Company's competitors a commercial advantage in the wholesale market. Further, public disclosure of the forecasted fuel and O&M pricing information would provide a commercial advantage to the Company's retail and wholesale customers when negotiating power requirement contracts. This information was developed internally by Company's personnel, is not on file with any public agency, is not available from any commercial or other source outside KU, and is distributed within the Company only to those employees who must have access for business reasons. If the Commission grants public access to this information, KU could be disadvantaged in negotiating future contracts and could also be disadvantaged in the wholesale energy market because fuel costs are important components of energy pricing. KU requests confidential protection for the entirety of the Excel attachments provided in response to Commission Staff Items 14(c) and 14(d).

3. Commission Staff Item 26 asks KU to provide a detailed description of how the PROSYM model performs unit commitment decisions. In response, KU is providing a document developed by the vendor and requests confidential protection of the document in its entirety. The document contains an explanation of the PROSYM software's methodology for unit commitment. The document is proprietary to the vendor and public disclosure could harm the relationship between KU and the vendor and others that provide software to KU. If the document is disclosed, vendors may be less willing to provide software to KU in the future to the detriment of KU and its ratepayers.

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

4. 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.”

5. Commission Staff Item 25 requests a description of how KU forecasts its transmission spending, including explanations for the projected 2020-2023 capital expenditures, and all transmission planning documents, both internal and public. In response, KU is providing an attachment entitled *2021 Transmission Expansion Plan and Planning Assessment Performed in 2020*. This attachment contains detailed load information, capacity and timing information regarding Designated Network Resources, economic dispatch information, model area dispatch information, and the results of stability and sensitivity analyses, among other Critical Energy Infrastructure Information (“CEII”). This CEII is inextricably intertwined throughout the document and cannot be redacted within the time allowed for this response. Releasing a copy of these documents would thus pose a security concern. The Commission has recently granted confidential protection to similar CEII.²

6. Also in response to Commission Staff Item 25, KU is providing an Excel attachment entitled “Transmission Capital Forecast” that contains detailed information regarding forecasted transmission capital spending by project and location. This attachment contains detailed information pertaining to future transmission projects. Other CEII data is inextricably intertwined throughout the document and cannot be redacted within the time allowed for this response. Furthermore, disclosing this information publicly would be disadvantageous to KU because it allows KU’s competitors to discover the Company’s strategies and plans for specific transmission-related projects. Public disclosure of this information may limit KU’s ability to secure favorable contracts and agreements because KU’s vendors will have access to the amount the Company expects to pay

² *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).

for certain matters. To protect the Company's CEII and to prevent competitive disadvantage to KU and its customers, KU requests confidential protection for the entirety of the Excel attachment provided in response to Commission Staff Item 25.

7. Because the Company's responses to Commission Staff Item 25 relate to the security of CEII and this information cannot be redacted within the time allowed for this response, the Company requests that the Commission protect the entirety of KU's attachments to Commission Staff Item 25 from public disclosure.

The Confidential Information Subject to this Petition

8. 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.

9. 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.

10. 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

11. 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 confidential copies to its

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

encrypted file-share site for the Commission's retrieval. Access to the encrypted file-share site will be provided to intervenors pursuant to a confidentiality agreement.

12. Due to the serious security concerns related to the disclosure of CEII, the Company requests that the attachment to Commission Staff Item 25 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.

Dated: April 20, 2021

Respectfully submitted,



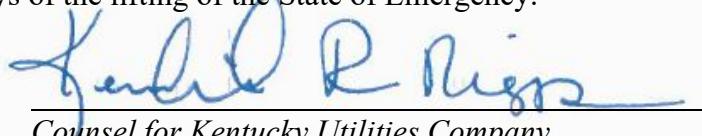
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Counsel for Kentucky Utilities Company

CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Kentucky Utilities Company's April 20, 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 April 20, 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.


Kendall R. Rines
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