

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)

In the Matter of:

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

**JOINT PETITION OF KENTUCKY UTILITIES COMPANY
AND LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) (collectively, the “Companies”) hereby petition 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 attachments the Companies seek to provide in response to Item Nos. 6(a), 10(c), 10(d), and 20 of the Commission Staff’s Eighth 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 No. 10(c) requests a description of how PROSYM includes the opportunity cost for coal combustion residual (“CCR”) revenues and all workpapers supporting this methodology. In response, the Companies are providing a detailed Excel spreadsheet that includes projected market prices, handling costs, and volume data regarding CCR beneficial use. Similarly, Commission Staff Item No. 10(d) asks for a breakdown of all cost components of the modeled variable operation and maintenance (“O&M”) costs, including detailed descriptions of each component and itemized component costs in \$/MWh. In response, the Companies are providing an attachment that contains the projected costs for the chemicals used in environmental controls. These projected costs are detailed by year and by location. Commission Staff Item No. 20 references the Companies’ responses to Attorney General and Kentucky Industrial Utility Customers First Request for Information, Item 172, and requests support for the 2021 updated avoided energy costs that now differ by generating technologies in Excel spreadsheet format. In response, the Companies are providing 96 attachments containing support for the avoided energy cost calculations.²

3. Information regarding projected input prices and support for avoided energy cost calculations is confidential information, the public disclosure of which would provide the

¹ KRS 61.878(1)(c)(1).

² The Companies requested confidential protection for the attachment in response to Item No. 172 of the Joint Initial Data Requests of the Attorney General and Kentucky Industrial Customers, Inc. in their Petitions filed on January 22, 2021. The Companies also requested confidential protection for supporting information provided in response to Item No. 29 of Commission Staff’s Seventh Request for Information, which referenced Item No. 172, in their Joint Petition dated August 2, 2021.

Companies' competitors a commercial advantage in the wholesale market. Further, public disclosure of the information would provide a commercial advantage to the Companies' retail and wholesale customers, qualifying cogeneration and small production facilities, and other competitors when negotiating contracts. 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 the projected CCR input prices, projected chemical price information, or avoided energy cost information, KU and LG&E could be disadvantaged in negotiating future contracts. Thus, KU and LG&E request confidential protection for the highlighted portions of the attachments to Commission Staff Item Nos. 10(c) and 10(d) and the entirety of the attachments to Commission Staff Item No. 20.

4. Commission Staff Item No. 6(a) requests all planned transmission investment (separated by year and utility) over the next ten years, including all planning information, calculations, supporting filings, and internal analysis. In response, the Companies are providing a detailed Excel spreadsheet that contains the transmission projects included in the Companies' 2021 Business Plan, including the description, project category, projected completion year, and cost. In addition to the reasons stated above, disclosing this information publicly would be disadvantageous to the Companies because it allows the Companies' competitors to discover the Companies' strategies and plans for specific transmission-related projects. Public disclosure of this information may limit the Companies' abilities to secure favorable contracts and agreements because the Companies' vendors will have access to the amount the Companies expect to pay for certain matters. To prevent competitive disadvantage to the Companies and their customers, KU

and LG&E request confidential protection for the highlighted portions of the Excel attachment provided in response to Commission Staff Item No. 6(a).

The Confidential Information Subject to this Petition

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

6. The Companies 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.

7. If the Commission disagrees with this request for confidential protection, however, 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.³

8. The Companies are filing with the Commission one electronic copy that identifies with redactions the information for which confidential protection is sought. The Companies will upload the confidential copies to its encrypted file-share site for the Commission's retrieval. Access to the encrypted file-share site will be provided to intervenors pursuant to existing confidentiality agreements.

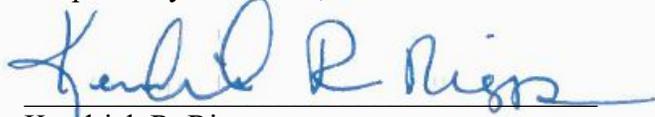
9. The Companies request that confidential protection be granted for five years due to the sensitive nature of the information at issue.

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

WHEREFORE, Kentucky Utilities Company and Louisville Gas and Electric Company respectfully request that the Commission grant confidential protection for the information described herein.

Dated: August 13, 2021

Respectfully submitted,

A handwritten signature in blue ink that reads "Kendrick R. Riggs". The signature is fluid and cursive, with the first name being the most prominent.

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*Counsel for Kentucky Utilities Company and
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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 August 13, 2021; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

A handwritten signature in blue ink, reading "Gerald R. Riggs", is written over a horizontal line.

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