

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION

Louisville Gas and Electric Company (“LG&E” 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 LG&E seeks to provide in response to Items 22(a), 22(g), 23(b), 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 Louisville/Jefferson County Metro Government’s (“Metro”) Second Request for Information; and Item 8(a) of the Second Request for Information of the United States Department of Defense and All Other Federal Executive Agencies (“DOD”).

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 22(a) requests a copy of the agreement(s) applicable to the Cane Run 7 LTSC Asset balance and AG/KIUC Item 22(g) requests a copy of the agreement(s) applicable to the Brown 6 and 7 LTSA Asset balance. In response, LG&E 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. LG&E therefore has a duty to keep the entirety of the agreements confidential. Public disclosure of these agreements could harm the relationship between LG&E and the vendors and others that provide services to LG&E. If the agreements are disclosed, vendors may be less willing to provide services to LG&E in the future to the detriment of LG&E and its ratepayers. LG&E requests confidential protection of the entirety of the agreements provided in response to AG/KIUC Items 22(a) and 22(g).

3. 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, LG&E is providing an Excel spreadsheet containing projected costs and savings. The public disclosure of the information contained in the attachment would prejudice the contractor used for 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, LG&E 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.” LG&E 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 discussed above in paragraph 3, public disclosure of this information would provide the vendor’s competitors a commercial advantage, which could also disadvantage the Company in future procurement activities. LG&E is requesting the highlighted portions of the PowerPoint presentation be treated as confidential.

5. AG/KIUC Item 23(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. LG&E 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 23(b) should therefore be afforded confidential protection to protect the Company and its customers.

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

6. 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.”

7. Metro Item 45 requests LG&E to provide the location of all transmission lines in Louisville Metro and the kV level of each. Metro Item 49 requests LG&E to provide a true-scale map of Louisville Metro (or larger geographical area) identifying LG&E’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. LG&E is providing a detailed transmission circuit map in response to Metro Item 45 and a detailed transmission clearing map in response to Metro Item 49. Similarly, DOD Item 8(a) ask whether the Tip Top substation is fed from a 138 kV line owned by LG&E. In response, LG&E is providing a diagram of the electric system around the Tip Top Substation that feeds Fort Knox. Releasing a copy of these documents 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 Metro Items 45 and 49 and the entirety of the diagram provided in response to DOD Item 8(a) from public disclosure.

The Confidential Information Subject to this Petition

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

9. LG&E 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 LG&E'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. LG&E 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, LG&E will upload the unredacted copies noting the confidential information with highlighting to its encrypted file-share

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).

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

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

12. 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 Metro Items 45 and 49 and DOD Item 8(a) 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, Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: February 19, 2021

Respectfully submitted,




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CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Louisville Gas and Electric 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.



Counsel for Louisville Gas and Electric Company