

**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>CERTIFICATE OF PUBLIC CONVENIENCE</b>	)	
<b>AND NECESSITY TO DEPLOY ADVANCED</b>	)	<b>CASE NO. 2020-00349</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 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 attachment the Companies seek to provide in response to Items 10(e) through 10(g) of Kentucky Solar Industries Association, Inc.’s (“KSIA”) Combined Post-Hearing Requests for Information to Kentucky Utilities Company and Louisville Gas and Electric Company.

**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.<sup>1</sup>

2. KSIA Item 10(e) requests the simple average and weighted average of bid prices for the solicitation that produced the contract for the Rhudes Creek solar project (the “Renewable RFP”). KSIA Item 10(f) requests a complete listing of the individual project sizes for all bids provided in response to the Renewable RFP. KSIA Item 10(g) requests the simple average and weighted average of bids if the Companies selected the most competitive bids totaling at least 400 MW of solar capacity from the Renewable RFP. In response to these three subparts, the Companies are providing an attachment that outlines the responses to the Renewable RFP. The attachment contains the type of technology proposed, the proposed term of the project, and the nameplate capacity. It further contains the bids and variations of bids submitted by competitive bidders to supply renewable energy power.

3. Confidential protection of the competitive bid information is necessary because disclosure would disrupt the competitive bid process and reveal the Companies’ internal analysis of bids to the detriment of the Companies and their ratepayers. Public disclosure would also prejudice the bidding vendors by allowing its competitors to know how it offers and prices its projects. The public disclosure of this information would create precisely the kind of competitive harm KRS 61.878(1)(c)(1) intends to prevent. Thus, KU and LG&E request confidential protection for the highlighted portions of the attachment to KSIA Items 10(e) through 10(g).

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<sup>1</sup> KRS 61.878(1)(c)(1).

4. The Companies previously requested the Commission to afford this information confidential protection in Case No. 2020-00016.<sup>2</sup> The Commission granted the Companies' request to protect this information from public disclosure.<sup>3</sup>

**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. To the extent intervenors Kentucky Solar Energy Society ("KSES") and KSIA desire to review the confidential information, new confidentiality agreements with the Companies, which explicitly prohibit the disclosure of the confidential information to any member or supporter of their respective organizations, will be required. These new confidentiality agreements will continue to restrict use of the confidential information so it can be used only for the purpose of participating in these proceedings, which is a restriction all of the Companies' confidentiality agreements currently include. Based on information and belief—including the public listings of members and supporters of KSES and KSIA—certain members and supporters of these intervenors are precisely the kinds of competitors from whom this information must be kept confidential on a more restricted basis to avoid these commercial harms.<sup>4</sup>

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<sup>2</sup> *Electronic Application of Louisville Gas and Electric Company and Kentucky Utilities Company for Approval of a Solar Power Contract and Two Renewable Power Agreements to Satisfy Customer Requests for a Renewable Energy Source Under Green Tariff Option #3*, Petition for Confidential Protection (Ky. PSC Jan. 23, 2020).

<sup>3</sup> Case No. 2020-00016, Order (Ky. PSC May 8, 2020).

<sup>4</sup> For KSES members, see <https://www.kyses.org/page-1658442> (accessed May 17, 2021). For KSIA members, see <https://kyseia.org/kyseia-membership.php> (accessed May 17, 2021).

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.<sup>5</sup>

8. The Companies are 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, 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 or the more restricted confidentiality agreements described in this petition.

9. The Companies request that confidential protection be granted through May 8, 2025, which is the duration of the confidential protection term approved by the Commission in Case No. 2020-00016 for this information.<sup>6</sup>

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


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<sup>5</sup> *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

<sup>6</sup> In its May 8, 2020 Order in Case No. 2020-00016, the Commission granted confidential protection to the Renewable RFP responses for 5 years from the date of the Order.

Dated: May 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 Kentucky Utilities Company's and Louisville Gas and Electric Company's May 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 May 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.



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