

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**ELECTRONIC 2021 JOINT INTEGRATED            )**  
**RESOURCE PLAN OF LOUISVILLE GAS        )** **CASE NO. 2021-00393**  
**AND ELECTRIC COMPANY AND                    )**  
**KENTUCKY UTILITIES COMPANY                )**

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

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively, the “Companies”) petition the Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001, Section 13, to grant confidential protection to the items described herein, which the Companies seek to provide in response to Item No. 4(b) and Item No. 17 of the Supplemental Data Requests of Joint Intervenors, Metropolitan Housing Coalition, Kentuckians For The Commonwealth, Kentucky Solar Energy Society, and Mountain Association (“Joint Intervenors”). In support of this Joint Petition, the Companies state as follows:

**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.”<sup>1</sup>

2. Joint Intervenors’ Supplemental Data Request Item No. 4(b) asks the Companies to provide inspection reports for the Mill Creek, Ghent Brown, and Trimble thermal units since

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

May 2018. In response, the Companies are providing a series of PDF attachments containing boiler and turbine-generator inspection reports.

The turbine-generator inspection reports were prepared by third-party contractors and contain proprietary work product and intellectual property of the contractors. The reports are voluminous (ranging from hundreds of pages to more than 1,500 pages each), and the confidential and proprietary information is interspersed throughout the reports. Release of this information to the public could harm the relationship between the Companies and these vital contractors and others that provide valuable services to the Companies. If such information is disclosed, contractors may be less willing to provide such services to the Companies in the future, which could harm the Companies and their customers. The Companies are therefore requesting confidential protection for these reports in their entirety.

The boiler reports contain the Companies' unit outage schedules and detailed future capital and maintenance project plans; both the boiler reports and the generator-turbine reports contain highly detailed unit condition information. Disclosure of this information would allow wholesale market participants to know or predict when the Companies' units will be down for maintenance and thus know the availability of the Companies' units to meet the Companies' loads, which affects the costs and availability of wholesale market power purchased by the Companies. The competitive risk of disclosing this information is that potential energy suppliers to the Companies will be able to manipulate the price of power bids to the Companies to maximize their revenues by knowing the Companies' outage schedules and detailed unit conditions, thereby causing higher prices for the Companies' customers and giving a commercial advantage to competitors. The Commission has previously found that outage schedules merit confidential protection.<sup>2</sup> The public

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<sup>2</sup> *An Examination of the Application of the Fuel Adjustment Clause of Kentucky Utilities Company from November 1, 2013 through April 30, 2014*, Case No. 2014-00227, and *An Examination of the Application of the Fuel Adjustment*

disclosure of this information will create precisely the kind of competitive harm KRS 61.878(1)(c)(1) intends to prevent. The Companies are therefore requesting confidential protection for these reports in their entirety, as well.

3. Joint Intervenors' Supplemental Data Request Item No. 17 asks the Companies to provide all analysis, workpapers, and documentation supporting the replacement CT assumption figures utilized in the Companies' Analysis of Generating Unit Retirement Years produced in response to Joint Intervenors' Initial Data Request Item No. 19(c). In response, the Companies are providing an Excel file containing the data inputs upon which the replacement CT assumption figures are based. The highlighted portions of the Excel file consist of confidential capital construction cost estimates obtained by the Companies in a nonpublic bid from a third party. This information is not on file with any public agency, nor is it available from any commercial or other source outside the Companies or the bidder who supplied the information under assurances of confidentiality. Public disclosure of this confidential information would adversely impact the Companies' ability to obtain the most reasonable bids and prices for such units and related generating alternatives in the competitive marketplace, to the disadvantage of LG&E/KU customers. The Companies therefore request that the Commission protect from public disclosure the highlighted portions of the attachment provided in response to Joint Intervenors' Supplemental Data Request Item No. 17.

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*Clause of Louisville Gas and Electric Company from November 1, 2013 through April 30, 2014, 2014-00452, Order (Ky. PSC Jan. 23, 2019); Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates, Case No. 2014-00372, Order Regarding Request for Confidential Treatment, (Ky. PSC Jan. 14, 2016); An Examination of the Application of the Fuel Adjustment Clause of Kentucky Power Company from November 1, 2010 through October 31, 2012 (Case No. 2012-00550) (Ky. PSC Aug. 19, 2013).*

### **The Confidential Information Subject to this Petition**

4. The information for which the Companies are seeking confidential treatment is not known outside of the Companies, their counsel, and other limited parties (pursuant to confidentiality arrangements). It is not disseminated within the Companies except to those employees with a legitimate business need to know and act upon the information, and it is generally recognized as confidential and proprietary information in the energy industry.

5. 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.

6. 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>3</sup>

7. Pursuant to 807 KAR 5:001, Section 13(2)(b), for certain responses, the Companies are providing written notification that the entire document is confidential. For responses that are not entirely confidential, the Companies are filing with the Commission one electronic copy that identifies with redactions the information for which confidential protection is sought. In accordance with the Commission's March 24, 2020 and July 22, 2021 Orders in Case No. 2020-00085, the Companies will upload the unredacted copies noting the confidential information with

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

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.

8. For all requests for confidential protection, the Companies request that confidential protection be granted for five years due to the sensitive nature of the information at issue.

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

Dated: March 25, 2022

Respectfully submitted,



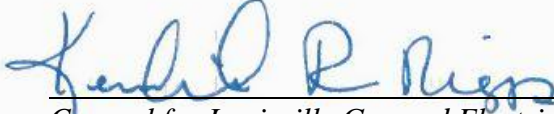
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**CERTIFICATE OF COMPLIANCE**

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 March 25, 2022; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



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