

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. 2 of the Attorney General’s Initial Requests; Item Nos. 7, 26(g), 29(e), 38, 40(b), and 56 of the Commission Staff’s First Request for Information; Item Nos. 5, 11, 14, 17, and 19 of the Sierra Club’s Initial Requests for Information; Item Nos. 3, 19(c), 29(e), and 31 of the Initial Data Requests of Joint Intervenors; and Item Nos. 3 and 4(c) of Southern Renewable Energy Association’s (“SREA”) Initial Requests. In support of this Joint Petition, the Companies state as follows:

Confidential Personal Information – Customer-Identifying Information (KRS 61.878(1)(a))

1. The Kentucky Open Records Act exempts from disclosure certain private and personal information.¹

2. Commission Staff’s First Request Item No. 7 asks the Companies to provide an update to the previously produced base energy requirement forecasts to show the expected

¹ KRS 61.878(1)(a).

additional load requirements from the new Ford plant. In response, the Companies are providing an Excel file containing an updated table of their base energy requirements which accounts for the expected additional load requirements from the new Ford plant. Commission Staff's First Request Item No. 29(e) similarly asks the Companies to provide an update to their summer and winter peak demand and resource summaries to reflect increases attributable to the new Ford plant. In response, the Companies are providing a pdf attachment containing updated tables of their summer and winter peak demand and resource summaries to reflect increases attributable to the new Ford plant.

3. The identification of specific customer information is personal information that should not be in the public domain. The information contained in the attachments to both of these Responses relates solely to the expected energy usage of one of LG&E/KU's customers, which constitutes specific customer-identifying information that is personal to Ford and does not belong in the public domain. The Commission has previously granted confidential protection to similar customer-identifying information, including usage information.² In addition, public disclosure could place Ford at a disadvantage in negotiating future contracts and provide an unfair commercial advantage to Ford's competitors in future negotiations. Further, the release of this information by the Commission could harm the relationship between the Companies and Ford and others that obtain energy from the Companies. If such information is disclosed, Ford and others may be less willing to negotiate contracts with the Companies in the future. The Companies therefore request confidential protection of the highlighted information within the attachments provided in response to Commission Staff's First Request Item Nos. 7 and 29(e).

² *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, Case No. 2012-000221, Order at 1-2 (Ky. PSC July 25, 2013) (granting confidential protection to customer names, account numbers, and usage information).

4. SREA's Initial Request Item No. 4(c) asks the Companies to name the external entities or stakeholders which the Companies have been in communication with regarding the development of their IRP and to describe the Companies' communications with each of these entities or stakeholders. In response, the Companies are providing a list of the entities the Companies have communicated with regarding the development of their IRP along with corresponding descriptions of the Companies' conversations with each of these entities or stakeholders. The information identifies specific customers the Companies consider major accounts. Publicly disclosing such information could cause privacy and competitive harms to the customers whose data the Companies will disclose. Publicly disclosing such information could cause competitive harm to the Companies if the customers at issue or similarly situated current or potential customers decide to locate or expand elsewhere to protect their sensitive data from public disclosure in Commission proceedings. In addition, the Commission has historically and repeatedly granted confidential protection to similar customer-identifying information.³ Therefore, because all of the information provided in the attachment to the Companies' Response to SREA's Initial Request Item No. 4(c) is customer-identifying information and could cause

³ *Application of Duke Energy Kentucky, Inc. for: (1) An Adjustment of the Electric Rates; (2) Approval of an Environmental Compliance Plan and Surcharge Mechanism; (3) Approval of New Tariffs; (4) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and (5) All Other Required Approvals and Relief*, Case No. 2017-00321, Order (Ky. PSC May 3, 2018) (granting confidential protection to specific customer account information, including account numbers and billing data); *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, Case No. 2012-000221, Order at 1-2 (Ky. PSC July 25, 2013) (granting confidential protection to customer names, account numbers, and usage information); *Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity, Approval of Ownership of Gas Service Lines and Risers, and a Gas Line Surcharge*, Case No. 2012-00222, Order at 1-2 (Ky. PSC July 16, 2013) (granting confidential protection to "customer-identifying information such as customer names and account numbers"); *see also Application of Kentucky-American Water Company for an Adjustment of Rates Supported by a Fully Forecasted Test Year*, Case No. 2012-00520, Order at 4 (Ky. PSC Aug. 1, 2014) (granting confidential protection to the response of Staff Item 77, which contained customer-identifying information like names, account numbers, balance history, and the names of customers qualifying for discounted service); *DPi Teleconnect, LLC v. Bellsouth Telecommunications, Inc. d/b/a AT&T Kentucky*, Case No. 2005-00455, Letter from Stephanie Stumbo to Mary Keyer (Ky. PSC May 29, 2008).

competitive harm to the customers at issue and to the Companies, the Companies request through this petition the Commission protect the entire document from public disclosure.

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

5. 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.”⁴

6. Commission Staff’s First Request Item No. 26(g) requests LG&E/KU to provide the cost characteristics of the solar resources used in the IRP analysis, and to explain how these cost characteristics compare to the costs of recent solar projects located in Kentucky, including the expected cost of the Companies’ 125 MW solar PPA. In response, the Companies are providing a pdf attachment showing the Price/LCOE (\$/MWh) of recent solar projects located in Kentucky, including the working-estimate Price/LCOE of the Companies 125 MW solar PPA. The highlighted information provided in this attachment was developed internally by LG&E/KU personnel. This information is not on file with any public agency, nor is it available from any commercial or other source outside LG&E/KU. Public disclosure of this confidential information would provide the Companies’ competitors a commercial advantage in the wholesale market. Further, the release of this information to the public would impair the Companies’ ability to obtain the most reasonable prices for goods and services in the competitive marketplace. The Companies therefore request the highlighted information in the attachment be treated as confidential.

7. Commission Staff’s First Request Item No. 38 asks the Companies to provide the analysis used to blend the consumer choice model output with the EIA adapted forecast output for the EV forecast. In response, the Companies are providing an Excel file prepared by LG&E/KU

⁴ KRS 61.878(1)(c)(1).

which contains the data inputs used in the EV forecast. The Companies obtained some of these data inputs used in its EV forecast from a vendor. These data inputs, which are highlighted in the Excel file, constitute proprietary information of that vendor which LG&E/KU pay to use in their forecasts. Public disclosure of this proprietary information could harm the relationship between the Companies and the vendor and others that provide valuable data to the Companies. If this information is disclosed, vendors may be less willing to provide such data to the LG&E/KU in the future to the detriment of the Companies and their customers. The Companies therefore request the highlighted portions of the attachment be treated as confidential.

8. Commission Staff's First Request Item No. 40(b) asks the Companies to provide a more detailed discussion of the variables and methodology used to construct the residential use per customer variable in LG&E/KU's electric sales and demand forecast process. In response, the Companies are providing two pdf documents. The first attachment includes a detailed explanation of the variables and methodology employed in the residential SAE modeling framework and the second attachment contains a detailed explanation of the variables and methodology employed in the commercial statistically adjusted end-use model. Each of these pdf documents was prepared by a vendor and constitutes proprietary information of that vendor. For the same reasons as those stated in paragraph 7 above, the Companies request confidential protection of each of the pdf attachments provided in Response to Commission Staff's First Request Item No. 40(b) in their entirety.

9. Commission Staff's First Request Item No. 56 asks LG&E/KU to provide support for the Companies' assumption that the capital cost of constructing two or more SCCTs at an existing site would cost 25 percent less than constructing a single SCCT at a greenfield site. In response, the Companies are providing an attachment containing an itemized capital cost

summary. Public disclosure 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. The Companies therefore request with this petition that the Commission protect from public disclosure the highlighted portions of the attachment provided in response to Commission Staff's First Request Item No. 56.

10. Sierra Club's Initial Request No. 5 asks the Companies to "identify and produce any request(s) the Compan[ies] ha[ve] issued, from 2018 through the present, for proposals for new or substitute generation capacity, along with any responses thereto." In response, the Companies are providing confidential responses to their 2021 request for proposals for generating capacity and storage. Similarly, Joint Intervenors' Initial Data Requests No. 31 requests certain information about the "Companies' January 7, 2021 RFP for 300 MW to 900 MW beginning in 2025 and no later than 2028." In response, the Companies are providing confidential information regarding the responses to the RFP. Public disclosure of this confidential information would disadvantage the respondents by disclosing the pricing of their goods and services. Further, the release of this information to the public would impair the Companies' ability to obtain the most reasonable prices for generating capacity and storage in the competitive marketplace, which would be to the detriment of their customers. The Companies therefore request the confidential information provided in response to Sierra Club's Initial Request No. 5 and Joint Intervenors' Initial Data Requests No. 31 be held confidential in their entirety.

11. Sierra Club's Initial Request No. 11 requests confirmation of Ohio Valley Electric Corporation's ("OVEC") commitment to compliance with Effluent Limitation Guidelines ("ELG") and Coal Combustion Residuals ("CCR") Rule and the projected costs of such projects, as well as documentation of the cost-benefit calculus of the compliance strategy. In response, the

Company is providing OVEC Board of Directors meeting minutes and related documents, which include commercially sensitive information relating to construction cost estimates to achieve ELG and CCR Rule compliance, projected power costs, and decision-making criteria and considerations concerning construction projects. Publicly disclosing this information could adversely affect OVEC's ability to obtain the most reasonable prices for such goods and services in the competitive marketplace, as well as disclose OVEC's underlying cost structures, which could impair its ability to compete effectively in the wholesale energy marketplace. All of these competitive harms could adversely affect the Companies' customers because the Companies are contractually obligated to purchase certain amounts of energy from OVEC. The Companies therefore request with this petition that the Commission protect from public disclosure the highlighted portions of the attachment provided in response to Sierra Club's Initial Request Item No. 11.

12. Sierra Club's Initial Request Item No. 19 requests LG&E/KU to produce copies of monthly OVEC bills to the Companies. In response, the Companies are producing a pdf copy of bills entitled *Ohio Valley Electric Corporation Available Power Statement*, which details energy, demand, and transmission charges payable for available power pursuant to the Inter-Company Power Agreement ("ICPA"). The Companies purchase power from OVEC pursuant to the long-existing cost-based ICPA. OVEC has requested that the bills remain confidential because they include other sponsors' billing information and detailed cost information related to OVEC's energy production, which could affect OVEC's ability to compete effectively in wholesale energy markets or in markets for vendor goods and services, as well as other detailed commercially sensitive information. The Companies are thus requesting the attachment provided in response to Sierra Club's Initial Request Item No. 19 be afforded confidential protection in its entirety.

13. Sierra Club's Initial Request No. 17 requests the Companies "[p]rovide any forward-looking assessments . . . of OVEC costs and/or value." In response, the Companies are providing two spreadsheets and multiple pdf files that contain detailed and confidential financial information for OVEC. The Companies request confidential protection for this information for the same reasons stated in paragraph 12 above concerning the Companies' response to Sierra Club's Initial Request Item No. 19. In addition, the attachments contain the Companies' models for strategies regarding OVEC's debt. Disclosure of such strategies could disadvantage OVEC by disclosing possible OVEC strategies with investors and banks, who could then increase costs for the strategies OVEC intends to implement. This would, in turn, disadvantage the Companies and their customers. The Companies are thus requesting the confidential attachments provided in response to Sierra Club's Initial Request Item No. 17 be afforded confidential protection. The Companies request the confidential spreadsheets provided in response to Sierra Club's Initial Request Item No. 17 be afforded confidential protection in their entirety.

14. Sierra Club's Initial Request No. 14 asks the Companies to produce all correspondence between the Companies and OVEC or OVEC Sponsors regarding CCR compliance and the US EPA's recent proposed denial of alternative closure deadline for Clifty Creek. In response, the Companies are providing pdf copies of several OVEC-IKEC Board Updates and other OVEC communication items. These documents contain commercially sensitive information relating to actual power costs, projected power costs, summaries and projections of financial health, inventory amounts, estimated construction or equipment purchase amounts, and decision-making criteria and considerations concerning future contracts. For the same reasons as in paragraph 11 above, the confidential information in the attachments provided in response to Sierra Club's Initial Request Item No. 14 should be afforded confidential protection.

15. Joint Intervenors' Initial Request Item No. 3 requests workpapers used to produce the "load forecast, the reserve margin analysis, the long-term resource planning analysis (including Table 20 of the same), and the RTO membership analysis." In response, the Companies are providing hundreds of attachments, some of which contain fuel prices, heat rates, and other production cost items. Public disclosure of this confidential information would provide the Companies' competitors a commercial advantage in the wholesale market. Further, public disclosure of the forecasted fuel and natural gas pricing information would provide a commercial advantage to the Companies' retail and wholesale customers when negotiating power requirement contracts. If the Commission grants public access to this information, the Companies 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. The Companies therefore request that the confidential attachments provided in response to Joint Intervenors' Initial Item No. 3 be afforded confidential protection in their entirety.

16. Joint Intervenors' Initial Request Item No. 19(c) asks the Companies to provide any analysis they conducted within the last five years regarding whether to continue to operate or retire any of their existing generating units. In response, the Companies are providing a pdf copy of the findings and analyses of a 2020 study they conducted relating to the reasonability of existing retirement assumptions for certain generating units. The highlighted portions of this document consist of forecasted electricity prices and forecasted undelivered natural gas and coal prices. This projected information is confidential information, the public disclosure of which would provide competitors of LG&E/KU 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 when negotiating power requirement contracts. This information was

developed internally by LG&E/KU personnel, is not on file with any public agency, is not available from any commercial or other source outside LG&E/KU and is distributed within LG&E/KU only to those employees who must have access for business reasons. The Companies therefore request confidential information in the attachment provided in response to Joint Intervenors' Initial Request Item No. 19(c) be afforded confidential protection.

17. Joint Intervenors' Initial Request Item No. 29(e) asks LG&E/KU to identify and provide supporting documentation of any assumed correlations between any of the variables used in the modeling conducted for the Companies' long-term resource planning analysis. In response, the Companies are providing an Excel file containing data inputs used by LG&E/KU in these models. The highlighted portions of the Excel file consist of annual forecasted price information for natural gas and coal. Information regarding projected fuel prices is confidential information, the public disclosure of which would provide LG&E/KU's competitors a commercial advantage in the wholesale market. Further, public disclosure of the forecasted fuel and natural gas pricing information would provide a commercial advantage to the Companies' retail and wholesale customers when negotiating power requirement contracts. If the Commission grants public access to this information, LG&E/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. The Companies therefore request that the confidential information in the attachment provided in response to Joint Intervenors' Initial Item No. 29(e) be afforded confidential protection.

18. SREA's Initial Requests Item No. 3 requests the Companies to "provide live, executable (i.e., Excel) versions of the Companies' complete analysis that produced the results shown in 'Table 4: LCOE of SCCT and 4-Hour Battery Storage (\$/MWh)' in Volume III, PDF p.

18 of 140.” In response, the Company is providing a live, executable Excel version of the requested analysis. The Excel file contains confidential price information for natural gas and coal, as well as other sensitive production cost information, the public disclosure of which would provide the Companies’ competitors a commercial advantage in the wholesale market. Because the “live” aspects of the attached Excel file cease to function if the confidential data inputs are removed, the Companies request confidential protection of the entire Excel file provided in response to SREA’s Initial Requests No. 3.

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

19. 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.”

20. AG Request Item No. 2 asks LG&E/KU to provide certain information about a confidential document. In response, the Companies are providing a chart which details the estimated timetables and costs of certain projects. The information provided in the chart includes detailed schematics of the installation and replacement of various distribution and transmission infrastructure at specific locations. Public disclosure of this information would thus pose a security concern. The Commission has recently granted confidential protection to similar Critical Energy Infrastructure Information.⁵ Because the Companies’ response relates to the security of Critical Energy Infrastructure Information, the Companies request that the Commission protect the highlighted portions of the Companies’ response to AG Request Item No. 2 from public disclosure.

⁵ *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).

The Confidential Information Subject to this Petition

21. With the exception of OVEC-provided information and third-party vendors' fuel price projections, the information for which LG&E/KU is seeking confidential treatment is not known outside of LG&E/KU, and it is not disseminated within LG&E/KU except to those employees with a legitimate business need to know the information.

22. 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.

23. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect LG&E/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.⁶

24. 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, LG&E/KU is 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, LG&E/KU will upload the unredacted copies noting the confidential information with 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.

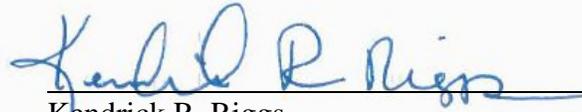
⁶ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

25. Due to the serious security concerns related to the disclosure of Critical Energy Infrastructure Information, the Company requests that the information provided in response to AG Request Item No. 2 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 and Kentucky Utilities Company respectfully request that the Commission grant confidential protection for all of the information described herein.

Dated: February 11, 2022

Respectfully submitted,



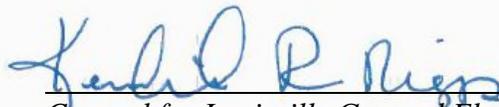
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CERTIFICATE OF COMPLIANCE

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 February 11, 2022; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



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