

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT ELECTRONIC APPLICATION OF)	
KENTUCKY UTILITIES COMPANY, NOLIN)	
RURAL ELECTRIC COOPERATIVE)	
CORPORATION, AND EAST KENTUCKY)	
POWER COOPERATIVE, INC. FOR)	
APPROVAL OF AN AGREEMENT)	CASE NO. 2021-00462
MODIFYING EXISTING TERRITORIAL)	
BOUNDARY QUADRANT MAPS AND)	
ESTABLISHING THE RETAIL ELECTRIC)	
SUPPLIER FOR GLENDALE MEGASITE IN)	
HARDIN COUNTY, KENTUCKY)	

PETITION FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU” or “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 certain portions of its response to Question No. 1 to Commission Staff’s Second Request for Information. In support of its Petition, KU respectfully states:

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

2. Question No. 1 of Commission Staff’s Second Request for Information requests KU to explain, as it relates to the proposed regulatory asset, “how the purchase price was derived and quantify the expected system benefit” In response, KU is providing an attachment showing

¹ KRS 61.878(1)(c)(1).

KU's analysis to estimate "the system benefits in terms of the potential revenue from the project to recover the variable cost of providing service and contribute to the fixed cost of the system."

3. The attachment to Question No. 1 is confidential and proprietary and should be protected from public disclosure. The attachment provides details of KU's expectations regarding the terms of a potential special contract with the customer. Disclosure could disadvantage KU by providing the customer and third parties with KU's expectations regarding the special contract. Potential customers could use KU's expectations regarding the special contract as a benchmark to gain an unfair competitive advantage in negotiating future contracts with KU. Disclosure could result in KU negotiating a less advantageous special contract, which would disadvantage KU and KU's other customers.

4. Further, disclosure could harm the customer by disclosing to third parties KU's expectations as to the customer's demand and usage. Although the demand and usage information in the attachment is preliminary, it includes important details of KU's understanding of the project. Disclosure could harm the customer by disclosing confidential information about the customer's needs. Accordingly, KU seeks confidential protection for the attachment to Question No. 1.

5. The Commission has previously granted confidential protection for an attachment providing similar analysis.²

² *Electronic Joint Application of Louisville Gas and Electric Company, Meade County Rural Electric Cooperative Corporation, and Big Rivers Electric Corporation for (1) Approval of an Agreement Modifying an Existing Territorial Boundary Map and (2) Establishing Meade County Rural Electric Cooperative Corporation as the Retail Electric Supplier for Nucor Corporation's Proposed Steel Plate Mill in Buttermilk Falls Industrial Park in Meade County, Kentucky*, Case No. 2019-00370, Order (Ky. PSC Mar. 9, 2020).

Information Subject to this Petition

6. The information for which KU is seeking confidential treatment is not known outside KU and its counsel. It is not disseminated within KU's organization except to those employees and representatives with a legitimate business need to know and act upon the information.

7. KU will disclose the confidential information as required by the Commission or as required by law, a court of competent jurisdiction, or any other governmental or administrative agency having supervisory authority over KU.

8. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect 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.³

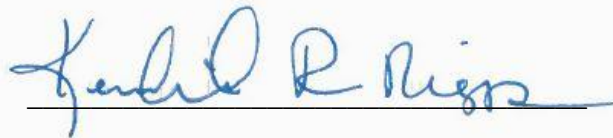
9. In compliance with 807 KAR 5:001, Section 8(3) and 13(2)(a) and (e) and the Commission's Order of July 22, 2021 in Case No. 2020-00085, KU is providing notice that the entire document is confidential. KU is filing with the Commission one copy of the confidential attachment.

10. Because of the importance of the information at issue, KU requests that confidential protection be granted for an indefinite period.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: January 21, 2022

Respectfully submitted,



A handwritten signature in blue ink, reading "Gerald R. Riggs", is written over a horizontal line. The signature is cursive and appears to be on a light-colored background.

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

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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 January 21, 2022; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



Counsel for Kentucky Utilities Company