

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

**In the Matter of:**

<b>AN EXAMINATION OF THE APPLICATION</b>	)	
<b>OF THE FUEL ADJUSTMENT CLAUSE OF</b>	)	<b>CASE NO.</b>
<b>KENTUCKY UTILITIES COMPANY FROM</b>	)	<b>2022-00038</b>
<b>MAY 1, 2021 THROUGH OCTOBER 31, 2021</b>	)	

**PETITION OF KENTUCKY UTILITIES COMPANY**  
**FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”), pursuant to 807 KAR 5:001, Section 13, respectfully petitions the Commission to classify as confidential and protect from public disclosure certain information provided by KU in response to Question Nos. 4 and 21 of the Commission’s data requests, as contained in the Appendix to the Commission’s Order dated March 31, 2022. The information for which KU requests confidential treatment (“Confidential Information”) pertains to bid analysis information. In support of this Motion, KU notes that the Commission has treated this information as confidential in KU’s recent six-month and two-year fuel adjustment clause review proceedings.

In further support of this Petition, KU states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission. See KRS 61.878(1)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Disclosure of the factors underlying KU's bid analysis/selection process would damage KU's competitive position and business interests. This information reveals the business model the Company uses -- the procedure it follows and the factors/inputs it considers -- in evaluating bids for coal supply. If the Commission grants public access to the information requested in Question Nos. 4 and 21, potential bidders could manipulate the bid solicitation process to the detriment of KU and its ratepayers by tailoring bids to correspond to and comport with KU's bidding criteria and process. As noted above, the Commission has treated such information as confidential in the past.

3. The information for which KU is seeking confidential treatment is not known outside of KU, is not disseminated within KU except to those employees with a legitimate business need to know and act upon the information, and is generally recognized as confidential and proprietary information in the energy industry.

4. KU does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in this case.

5. 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>1</sup>

6. The Companies are filing with the Commission one electronic copy that identifies with redactions the information for which confidential protection is sought.

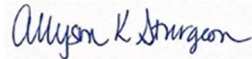
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<sup>1</sup> Utility Regulatory Commission v. Kentucky Water Service Company, Inc., 642 S.W.2d 591, 592-94 (Ky. App. 1982).

**WHEREFORE**, Kentucky Utilities Company respectfully requests the Commission grant confidential protection: (1) to the information designated as confidential in response to Question Nos. 4 and 21 for a period of five years from the date of filing the same.

Dated: April 15, 2022

Respectfully submitted,



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Counsel for Kentucky Utilities Company

**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 April 15, 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 Kentucky Utilities Company