

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY FOR)	CASE NO.
THE CONSTRUCTION OF TRANSMISSION)	2022-00066
FACILITIES IN HARDIN COUNTY, KENTUCKY)	

PETITION FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU” or the “Company”) petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001 Section 13 and KRS 61.878 to grant confidential protection for certain information the Company is providing in response to Ordering Paragraph 7 of the Commission’s Final Order in this proceeding, dated July 28, 2022 (“Ordering Paragraph 7”). In support of this Petition, the Company states as follows:

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

1. Critical energy infrastructure information (“CEII”) is protected from public disclosure under KRS 61.878(1)(m)(1), which 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.”¹

2. Two of the attachments the Company is providing in response to Ordering Paragraph 7 Report are detailed transmission substation switching diagrams. All such diagrams are CEII because they disclose the configuration of critical transmission infrastructure.

¹ KRS 61.878(1)(m)(1).

3. The public disclosure of any such information in the record of this proceeding could expose a vulnerability through the disclosure of the configuration of public utility critical systems. If such information is made available in the public record, individuals seeking to induce public harm will have critical information concerning the present vulnerabilities of the Company's systems. Knowledge of such vulnerabilities may allow a person to cause public harm through the disruption of the electric system. The public release of such CEII has a reasonable likelihood of threatening the public safety, particularly because the attachments reflect detailed, precise, and highly technical information about the configuration and operations of valuable infrastructure upon which KU's customers rely.

4. The Commission has historically recognized the need for confidential treatment of switching station diagrams because of its classification as CEII.²

Confidential Information Subject to this Petition

5. The information for which the Company is seeking confidential treatment is not known outside of KU, its sister company Louisville Gas & Electric Company ("LG&E"), their consultants with a need to know the information, and the Companies' counsel, is not disseminated within KU and LG&E 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.

6. The Company 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.

² See, e.g., *Application of Big Rivers Electric Corporation for a Certificate of Public Convenience and Necessity to Construct a 161 kV Transmission Line, and a 345 kV Transmission Line in Meade County, Kentucky*, Case No. 2019-00270, Order at 1-2 (Ky. PSC Mar. 15, 2021).

7. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect the Company'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

8. Pursuant to 807 KAR 5:001, Section 13(2)(b), the Company is providing written notification that the two transmission substation switching diagrams are confidential in their entirety. In accordance with the Commission's March 24, 2020 and July 22, 2021 Orders in Case No. 2020-00085, the Company will transmit the confidential information to the Commission. Access to the confidential information will be provided to intervenors pursuant to a confidentiality agreement.

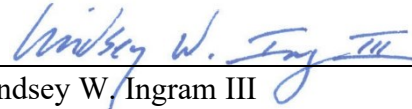
9. Due to the serious security concerns related to the disclosure of CEII, the Company requests that this confidential information remain confidential indefinitely.

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

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

Dated: July 1, 2024

Respectfully submitted,



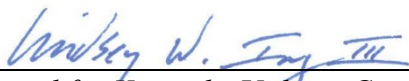
Lindsey W. Ingram III
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507
Telephone: (859) 231-3000
Fax: (859) 253-1093
l.ingram@skofirm.com

Allyson K. Sturgeon
Vice President and Deputy General Counsel
Sara V. Judd
Senior Counsel
PPL Services Corporation
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-2088
Fax: (502) 627-3367
ASturgeon@pplweb.com
SVJudd@pplweb.com

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 July 1, 2024; 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