

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF)	
KENTUCKY UTILITIES COMPANY FOR)	CASE NO. 2022-00371
APPROVAL OF AN ECONOMIC)	
DEVELOPMENT RIDER SPECIAL)	
CONTRACT WITH BITIKI-KY, LLC)	

PETITION FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU”) 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 the information described herein, which KU is providing in response to the Joint Intervenors’ Supplemental Data Request No. 2.7(a) in the above-captioned proceeding.¹ In support of this Petition, KU states as follows:

Confidential Personal Information (KRS 61.878(1)(a))

1. The Kentucky Open Records Act exempts from disclosure certain private and personal information.²
2. Joint Intervenors’ Supplemental Data Request No. 2.7(a) asks KU to “provide the billing information for the time that Bitiki has been operational in 2022.” In response, KU is providing its bills to Bikiti-KY, LLC for service rendered during calendar year 2022, which includes customer-specific usage and other billing information.³ Such customer-specific information is personal information the public disclosure of which would result in an unwarranted

¹ The Joint Intervenors are Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Mountain Association, and Kentucky Resources Council, Inc.

² KRS 61.878(1)(a).

³ KU has redacted the customer’s account and contract numbers entirely in accordance with 807 KAR 5:001E Sec. 10(a)(3). Because Bitiki-KY, LLC is not an individual and is a party to this proceeding, KU has not redacted the customer’s address from the bills in accordance with 807 KAR 5:001E Sec. 10(a)(7), which requires the redaction of “[t]he address, phone number, or email address of an individual who is not a party and has not requested to be a party.”

invasion of privacy. KU is therefore seeking confidential treatment for the entirety of the attachment to JI 2-7(a).

3. The Commission has recently and consistently given confidential treatment to similar information.⁴

4. The information for which KU is seeking confidential treatment is not known outside of KU, and it is not disseminated within KU except to those employees with a legitimate business need to know the information.

5. 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.

6. If the Commission disagrees with this request for confidential protection, 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.⁵

7. Because KU is seeking confidential protection for the entirety of the confidential information, and in compliance with 807 KAR 5:001, Sections 8(3) and 13(2)(a)(3)b) and (e), as well as the Commission's Order March 24, 2020 and July 22, 2021 Orders in Case No. 2020-00085, KU will upload the confidential information to an encrypted file-share site for the Commission's retrieval. Access to the encrypted file-share site will be provided to intervenors pursuant to a confidentiality agreement.

⁴ See, e.g., Case Nos. 2020-00349 and 2020-00350, Order at 10 (Ky. PSC Dec. 7, 2021) (granting confidential protection for customer-specific usage information); *Application of Duke Energy Kentucky, Inc. for: (1) An Adjustment of the Electric Rates; (2) Approval of an Environmental Compliance Plan and Surchage 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).

⁵ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

8. KU requests that the information be kept confidential for at least five years from the date of this filing as that is the amount of time necessary before the confidential information becomes dated to the point that the need for protection no longer exists.

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

Dated: January 9, 2023

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 January 9, 2023; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

A handwritten signature in blue ink that reads "Allison K. Sturgeon". The signature is written in a cursive style and is positioned above a horizontal line.

Counsel for Kentucky Utilities Company