

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

**In the Matter of:**

<b>ELECTRONIC JOINT APPLICATION OF</b>	)	
<b>KENTUCKY UTILITIES COMPANY AND</b>	)	
<b>LOUISVILLE GAS AND ELECTRIC</b>	)	
<b>COMPANY FOR CERTIFICATES OF</b>	)	
<b>PUBLIC CONVENIENCE AND NECESSITY</b>	)	<b>CASE NO. 2022-00402</b>
<b>AND SITE COMPATIBILITY</b>	)	
<b>CERTIFICATES AND APPROVAL OF A</b>	)	
<b>DEMAND SIDE MANAGEMENT PLAN AND</b>	)	
<b>APPROVAL OF FOSSIL FUEL-FIRED</b>	)	
<b>GENERATING UNIT RETIREMENTS</b>	)	

**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 “Companies”) petition the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001 Section 13 to grant confidential protection for certain information the Companies are referencing in their Post-Hearing Brief. In support of this Joint Petition, the Companies state as follows:

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

1. The Kentucky Open Records Act exempts from disclosure certain records which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.<sup>1</sup> Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. In the Post-Hearing Brief of Kentucky Utilities Company and Louisville Gas and Electric Company, the Companies are referencing the sensitive information contained in the

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<sup>1</sup> KRS 61.878(1)(c)(1).

responses to the Companies' Request for Proposals ("RFP") for engineering, procurement, and construction ("EPC") for the natural gas combined cycle ("NGCC") units, including bid prices, details of the bids, information regarding the time period for the validity of the bids, the identity of bidders, and the number of bidders and produced in response to JI PH DR No. 1. This same information was filed with the Commission subject to an accompanying petition for confidential protection on September 8, 2023.

3. Disclosure of content of the RFP responses and the identity and number of the bidders would disrupt the competitive negotiation process. Disclosing the responses to a bidder could reveal a relative position of strength or weakness to other bidders, thereby weakening the Companies' bargaining position. Additionally, if bidders are aware of the number of bidders, identity of bidders, and details of the bids, they may be less willing to negotiate or do business with the Companies. Disclosure could result in higher costs for the NGCC units, which would ultimately harm the Companies' customers.

4. For these reasons, the Companies request confidential protection for the portions of its Post-Hearing Brief that are identified as confidential.

**Confidential Information Subject to this Petition**

5. The information for which the Companies are seeking confidential treatment is not known outside of LG&E and KU, their consultants with a need to know the information, and the Companies' counsel, is not disseminated within LG&E and 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.

6. The Commission has previously granted confidential protection for similar information.<sup>2</sup>

7. 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.

8. If the Commission disagrees with this request for confidential protection, 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>3</sup>

9. Pursuant to 807 KAR 5:001, Section 13(2)(b), the Companies are 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, the Companies will upload the unredacted versions of the brief to its encrypted file-share site for the Commission's retrieval noting the confidential information with highlighting. Access to the encrypted file-share site will be provided to intervenors pursuant to a confidentiality agreement.

10. The Companies request that confidential protection to the information identified in the brief be granted for five years due to the sensitive nature of the information at issue.

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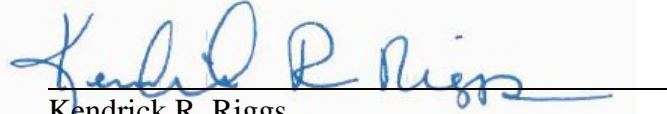
<sup>2</sup> See, e.g., *Electronic Application of Louisville Gas and Electric Company and Kentucky Utilities Company for Approval of a Solar Power Contract and Two Renewable Power Agreements to Satisfy Customer Requests for a Renewable Energy Source Under Green Tarriff Option #3*, Case No. 2020-00016, Order (Ky. PSC May 8, 2020) (granting in part the Companies' January 23, 2020 Petition for Confidential Protection of sensitive bidding information).

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

**WHEREFORE**, Louisville Gas and Electric Company and Kentucky Utilities Company respectfully request that the Commission grant confidential protection to the marked portions of their brief filed on September 22, 2023 for the reasons described herein.

Dated: September 22, 2023

Respectfully submitted,



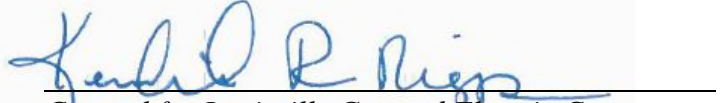
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**CERTIFICATE OF SERVICE**

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 September 22, 2023, 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 Louisville Gas and Electric Company  
and Kentucky Utilities Company*