

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

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 providing in response to the Commission’s Order entered on August 31, 2023. In support of this Joint Petition, the Companies state as follows:

Background

1. On August 31, 2023, the Commission entered an Order (the “Order”) to address seven petitions for confidential treatment filed by the Companies between March 1, 2023 and June 29, 2023.¹

¹ *Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates and Approval of a Demand Side Management Plan and Approval of Fossil Fuel-Fired Generating Unit Retirements*, Case No. 2022-00402, Order (Ky. PSC Aug. 31, 2023).

2. The Order granted in full four of the Companies' petitions for confidential treatment.²

3. The Order denied in full the Companies' petition for confidential treatment that was filed on March 1, 2023, which requested confidential treatment of certain confidential terms contained in the Companies' solar power purchase agreements ("PPAs").³

4. The Order granted in part and denied in part two of the Companies' petitions for confidential protection that were filed on March 10, 2023, and May 4, 2023, respectively.

5. The Order included the following language regarding information that was denied confidential treatment in the Companies' March 10, 2023 petition:

- "[F]uel cost projections should be granted confidential treatment. However, Attachment 4 to LG&E/KU's responses to response to [sic] Joint Intervenors' First Request, Item 40(a) and Sierra Club's First Request 12(a), which LG&E/KU have filed confidentially in full, contains extensive data that does not consist of fuel prices and therefore should not be confidential. LG&E/KU have not established grounds for keeping the entire documents confidential."⁴
- "Therefore, the Commission finds that the designated material contained in LG&E/KU's responses to . . . Joint Intervenors' First Request, Items 1(c), 9(e), 36, Attachment 2, 40(a), and 45, . . . are records that meet the criteria for confidential treatment . . . with the exception of the solar PPA information. LG&E/KU's responses to Sierra Club's First Request, Item 12(a), Attachments 3 and 4, Joint

² The Companies' petitions that were granted in full include the petition filed on April 14, 2023 pertaining to Staff's First Request; the petition filed on April 14, 2023 pertaining to Joint Intervenors' First Request; the petition filed on June 9, 2023; and the petition filed on June 29, 2023. Case No. 2022-00402, Order at 17-18 (Ky. PSC Aug. 31, 2023).

³ The Companies have filed a joint motion for reconsideration of the Order as it relates to solar PPA information. See Case No. 2022-00402, *Joint Motion of Louisville Gas and Electric Company and Kentucky Utilities Company for Reconsideration of the Order of August 31, 2023* (filed Sept. 22, 2023). Because that motion is still pending, the Companies will not be filing information relating to solar PPAs in the public record at this time. Instead, this petition addresses the remaining information which was denied confidential protection in the Order of August 31, 2023. LG&E/KU do not object to the Commission's determination that the requested material not be granted confidential protection, but subject to that determination, seek to correctly apply the determination to the materials at issue.

⁴ Case No. 2022-00402, Order at 7-8 (Ky. PSC Aug. 31, 2023).

Intervenors' First Request, Item 40(a), and solar PPA information do not meet the criteria for confidential treatment”⁵

- “Confidential treatment is granted for all material designated in [LG&E/KU’s March 10, 2023] petition except for information relating to solar PPAs⁶ and LG&E/KU’s responses to Sierra Club’s First Request, Item 12(a) and Joint Intervenor’s First Request, Item 40(a).”⁷

6. Previously, the Companies filed two fully confidential attachments in response to Sierra Club’s First Request, Item 12(a) (“SC 1-12(a)”): Attachment 3 and Attachment 4. Each attachment contained one Excel file, for a total of two files. The Companies understand the Commission’s Order to deny full confidential protection to both attachments, but to allow partial confidential protection of information relating to fuel cost projections and other specific information that should remain confidential pursuant to KRS 61.878. The Companies are therefore refiling SC 1-12(a), Attachment 3 and Attachment 4, redacting only the fuel cost projections and other specific information that should remain confidential pursuant to KRS 61.878.

7. Additionally, the Companies previously filed thirteen fully confidential zip files in response to Joint Intervenors’ First Request, Item 40(a) (“JI 1-40(a)”). Each zip file contained between 890 and 955 files, for a total of 12,103 files, which were all produced as outputs of PLEXOS, a proprietary modeling software.⁸ The Companies understand the Commission’s Order to deny full confidential protection of the thirteen zip files, but to allow partial confidential protection of information relating to fuel cost projections and other specific information that should remain confidential pursuant to KRS 61.878. The Companies are therefore refiling the

⁵ Case No. 2022-00402, Order at 8-9 (Ky. PSC Aug. 31, 2023).

⁶ See *supra* note 3.

⁷ Case No. 2022-00402, Order at 17 (Ky. PSC Aug. 31, 2023).

⁸ Attachments 1, 2, 3, 4, 5, 6, and 9 contained 955 files each. Attachments 7, 8, 10, and 11 contained 903 files each. Attachment 12 contained 890 files. Attachment 13 contained 916 files.

thirteen zip files (compiled as one zip file) produced in response to JI 1-40(a), redacting only the fuel cost projections and other specific information that should remain confidential pursuant to KRS 61.878.

8. The Order included the following language regarding information for which the Commission denied confidential treatment in the Companies' May 4, 2023 petition:

- “Confidential treatment should be denied for owner-engineer contract amounts because any selected bids should be denied confidential treatment for the sake of transparency regarding the evidence that the Commission relies upon in rendering its determinations.”⁹
- “Confidential treatment should be denied for LG&E/KU’s 2021 IRP workpapers. LG&E/KU have not provided its IRP inputs in a way that maximizes transparency of the filing. LG&E/KU seeks blanket protection for all the workpaper data without differentiating any of the data, some of which would not be entitled to confidential treatment.”¹⁰
- “Therefore, the Commission finds that the designated material contained in LG&E/KU’s responses to Staff’s Second Request, Items 21(a), 25, 42(a), 52(e), 75(a), and 81, Joint Intervenors’ Second Request, Items 60(a), 60(c), and 63, Sierra Club’s Second Request, Item 26(b), and KCA’s Second Request, Items 4 and 10(a)-(b), are records that meet the criteria for confidential treatment . . . with the exception of solar PPA information. LG&E/KU’s responses to Joint Intervenors’ Second Request, Item 63, KCA’s Second request, Item 19, and solar PPA information¹¹ do not meet the criteria for confidential treatment and should not be exempted from public disclosure”¹²

9. Previously, the Companies filed three partially confidential attachments in response to Kentucky Coal Association’s Second Request, Item 19 (“KCA 2-19”). Each attachment contained one PDF file, for a total of three files. The Companies understand the

⁹ Case No. 2022-00402, Order at 13-14 (Ky. PSC Aug. 31, 2023).

¹⁰ Case No. 2022-00402, Order at 14 (Ky. PSC Aug. 31, 2023).

¹¹ See *supra* note 3.

¹² Case No. 2022-00402, Order at 15 (Ky. PSC Aug. 31, 2023).

Commission's Order to deny partial confidential protection to all three attachments. The Companies are therefore refileing three unredacted attachments in response to KCA 2-19.

10. Additionally, the Companies previously filed confidential attachments in response to Joint Intervenors' Second Request, Item 63 ("JI 2-63"). Data request JI 2-63 stated: "Please provide a copy of all confidential workpapers and discovery responses submitted by the Companies as part of Case No. 2021-00393." Accordingly, the Companies responded to JI 2-63 by providing (a) a copy of the confidential 2021 IRP workpapers and (b) a copy of all other discovery responses submitted by the Companies in Case No. 2021-00393. This confidential production included 51 PDF files, 10 Excel files, and 2 zip files.

11. Workpapers. One of the two zip files produced in response to JI 2-63 contained the Companies' 2021 IRP workpapers. In Case No. 2021-00393, where these workpapers were originally produced, the Companies produced both public and confidential versions of the workpapers. When the Companies produced the confidential versions of the workpapers, the Companies included **all** of the public data within the confidential version, in an effort to improve the readability of the confidential version of the workpapers for the other parties and the Commission. JI 2-63 requested only the *confidential* documents the Companies had produced in the IRP proceeding. Thus, when the Companies produced the "confidential" version of the workpapers that they had provided in the IRP in response to JI 2-63, the Companies actually produced all of the workpapers—both public and private. The Companies were not claiming that all information in those workpapers should be entitled to confidential protection. Now, to clarify that the Companies request confidential protection only for the workpapers provided in response to JI 2-63 that were designated as confidential, the Companies are filing publicly 32 zip files containing the public workpapers and filing confidentially a zip file containing the confidential

workpapers. The Companies have reviewed the extensive amounts of data contained within the 2021 IRP workpapers in order to now produce a narrower delineation of information that the Companies believe should remain confidential on an ongoing basis in accordance with the Commission’s Order. Additionally, to the extent that any of the previously confidential data contained within the 2021 IRP workpapers has now become stale to the point that confidential protection is no longer necessary, the Companies are now disclosing that data publicly as well, in accordance with the Commission’s Order.

12. All Other Confidential Discovery Responses. Regarding all of the other discovery responses the Companies submitted as part of Case No. 2021-00393—which includes 51 PDF files, 10 Excel files, and 1 zip file—the Companies understand the Commission’s Order to deny “blanket” confidential protection of these items. Accordingly, the Companies have reviewed the information marked confidential in the discovery responses that were previously produced in Case No. 2021-00393 and delineated the information that no longer requires confidential protection due to the age of the data. While some files that were produced in response to JI 2-63 remain confidential for reasons that will be discussed below, the Companies are producing in the public record as much data as reasonably possible to comply with the Commission’s Order of August 31, 2023.

13. Accordingly, to comply with the Commission’s Order, the Companies are filing “a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.”¹³ The following files will be placed into the public record:

¹³ Case No. 2022-00402, Order at 19 (Ky. PSC Aug. 31, 2023).

SC 1-12(a)	Public version of Attachment 3, with confidential information redacted
	Public version of Attachment 4, with confidential information redacted
JI 1-40(a)	11,402 Excel files
KCA 2-19	Three PDF files
JI 2-63	32 zip files containing workpapers, 7 PDF files, and 4 Excel files

14. The Companies are requesting confidential protection for portions of the data provided in response to SC 1-12(a), JI 1-40(a), and JI 2-63 for the reasons stated below:

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

15. 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.¹⁴ Public disclosure of the information identified herein would, in fact, prompt such a result.

16. In response to the Commission’s Order entered on August 31, 2023, the Companies are filing revised versions of the Companies’ responses to SC 1-12(a); JI 1-40(a); KCA 2-19; and JI 2-63. Portions of the responses to SC 1-12(a), JI 1-40(a), and JI 2-63 remain confidential because they include information that is generally recognized by the Commission’s decisions as confidential or proprietary, including fuel cost projections,¹⁵ cost and bid data

¹⁴ KRS 61.878(1)(c)(1).

¹⁵ See, e.g., *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, A Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, Case No. 2020-00349, Order at 3 (Ky. PSC Dec. 6, 2022); *Electronic 2018 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2018-00348, Order at 3 (Ky. PSC Nov. 16, 2018).

related to future projects,¹⁶ sensitive information contained in responses to the Companies' Request for Proposals ("RFP"),¹⁷ and proprietary information that was obtained from third parties¹⁸:

17. The following files contain confidential fuel cost projections:

- A portion of the Excel file provided in response to SC 1-12(a) named "SC DR1 LGE KU Attach to Q12(a) - Att 3 CONFIDENTIAL RTO Coal Prices.xlsx"
- A portion of the Excel file provided in response to SC 1-12(a) named "SC DR1 LGE KU Attach to Q12(a) - Att 4 CONFIDENTIAL RTO Inputs.xlsx"
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder "Year" in the folder labeled "JI DR1 LGE KU Attach to Q040a - Att 1 Model 01a_CONFIDENTIAL"
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder "Year" in the folder labeled "JI DR1 LGE KU Attach to Q040a - Att 2 Model 01b_CONFIDENTIAL"
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder "Year" in the folder labeled "JI DR1 LGE KU Attach to Q040a - Att 3 Model 01c_CONFIDENTIAL"
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder "Year" in the folder labeled "JI DR1 LGE KU Attach to Q040a - Att 4 Model 01d_CONFIDENTIAL"

¹⁶ See, e.g., *Electronic Application of Bluegrass Water Utility Operating Company, LLC for an Adjustment of Rates and Approval of Construction*, Case No. 2020-00290, Order at 16 (Ky. PSC Dec. 27, 2021) ("The Commission has previously granted confidential treatment to estimates and bids due to the possibility of bid manipulation resulting from disclosure.").

¹⁷ See, e.g., *Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates and Approval of a Demand Side Management Plan and Approval of Fossil Fuel-Fired Generating Unit Retirements*, Case No. 2022-00402, Order at 1-2 (Ky. PSC Aug. 17, 2023); *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, A Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, Case No. 2020-00349, Order at 7, 10 (Ky. PSC Dec. 7, 2021).

¹⁸ See, e.g., *Electronic 2018 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2018-00348, Order at 2-3 (Ky. PSC Apr. 3, 2020); Case No. 2018-00348, Order at 1-3 (Ky. PSC Nov. 16, 2018); *Electronic Application of Atmos Energy Corporation for an Adjustment of Rates*, Case No. 2021-00214, Order at 3-4 (Ky. PSC Feb. 25, 2022); *Electronic Application of Big Rivers Electric Corporation for Approval of Amendment to Power Purchase Agreement*, Case No. 2022-00296, Order at 2-3 (Ky. PSC Mar. 31, 2023).

- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder “Year” in the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 5 Model 01e_CONFIDENTIAL”
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder “Year” in the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 6 Model 01f_CONFIDENTIAL”
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder “Year” in the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 7 Model 03_CONFIDENTIAL”
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder “Year” in the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 8 Model 04_CONFIDENTIAL”
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder “Year” in the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 9 Model 05_CONFIDENTIAL”
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder “Year” in the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 10 Model 06_CONFIDENTIAL”
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder “Year” in the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 11 Model 07_CONFIDENTIAL”
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder “Year” in the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 12 Model 08_CONFIDENTIAL”
- 42 Excel files provided in response to JI 1-40(a) which are contained within the subfolder “Year” in the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 13 Model 09_CONFIDENTIAL”
- The Excel file provided in response to JI 2-63 which is located in the “Commodities” subfolder in the “2022Plan” subfolder of the “WorkpapersCONFIDENTIAL” folder named “CONFIDENTIAL_20210603_2022BP_CoalPriceForecast with LTP pricing_D07.xlsx”

The files contain projections of what the Companies expect to pay and receive for commodities they buy and sell like fuel and coal combustion residuals. If the Commission grants public access to this information, LG&E and KU could be disadvantaged in negotiating contracts

to buy or sell these commodities in the future. The Companies could also be disadvantaged in the wholesale energy market because fuel costs are important components of energy pricing. All such commercial harms would ultimately harm LG&E's and KU's customers, who would have to pay higher rates if the disclosed information resulted in higher fuel prices or adversely affected the Companies' off-system energy sales.

18. The following files produced in response to JI 2-63 contain confidential cost and bid data related to future projects:

- “SREA DR1 KU LGE Attach to Q3 - CONFIDENTIAL Screening Model.xlsx”
- Ten PDF files contained within the folder labeled “Turbine Documents”
- Eleven PDF files contained within the folder labeled “Boiler Documents”

Sensitive information contained in these files includes bid data and the costs the Companies expect to pay for components of future projects. Disclosure of this data would disrupt the competitive negotiation process. If the Companies' suppliers are aware of what the Companies expect to pay for components of future projects, they may be less likely to provide the Companies their lowest prices. Thus, disclosure could result in higher costs, which would ultimately harm the Companies' customers.

19. The following files contain confidential data related to RFP responses:

- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a – Att 1 Model 01a_CONFIDENTIAL”—specifically, the files named “id2name.csv”; “Model (01a_OpenB3M2G2_L5F2_LGLC_1G24SBpM_HR3_24WRM) Log.txt”; “Model 01a_OpenB3M2G2_L5F2_LGLC_1G24SBpM_HR3_24WRM Solution.xml”; “t_data_4.xml”; and “t_data_4.BIN”

- Five files¹⁹ provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 2 Model 01b_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 3 Model 01c_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 4 Model 01d_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 5 Model 01e_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 6 Model 01f_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 7 Model 03_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 8 Model 04_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 9 Model 05_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 10 Model 06_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 11 Model 07_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 12 Model 08_CONFIDENTIAL”
- Five files provided in response to JI 1-40(a) within the folder labeled “JI DR1 LGE KU Attach to Q040a - Att 13 Model 09_CONFIDENTIAL”
- The Excel file provided in response to JI 2-63 named “JI DR1 KU LGE Attach to Q31 - CONFIDENTIAL Response Summary 2021 RFP.xlsx”
- A portion of the PDF file provided in response to JI 2-63 named “PSC DR1 KU LGE Attach to Q26(g) - CONFIDENTIAL Solar PPA Prices.pdf”
- The zip file provided in response to JI 2-63 named “SC DR1 KU LGE Attach to Q05 - CONFIDENTIAL January 2021 RFP Responses.zip”

¹⁹ The five confidential file names within each of the thirteen folders produced in response to JI 1-40(a) are similar in convention and will not be repeated for the sake of brevity.

Sensitive information contained in the responses to the Companies' RFP includes 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. 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, which would ultimately harm the Companies' customers.

20. The following files contain third-party proprietary information:

- A portion of the Excel file provided in response to SC 1-12(a) named "SC DR1 LGE KU Attach to Q12(a) - Att 4 CONFIDENTIAL RTO Inputs.xlsx"
- A portion of the PDF file provided in response to JI 2-63 named "CONFIDENTIAL_Vol_III_Long Term Resource Analysis_Tables 10,11,12.pdf"—specifically, Table 12 within the file.
- The PDF File provided in response to JI 2-63 named "CONFIDENTIAL_Vol_II_IHS Markit US EconomicOutlook.pdf"
- Portions of two Excel files provided in response to JI 2-63 which are located in the "0283_2021IRP" subfolder of the "WorkpapersCONFIDENTIAL" folder and named "CONFIDENTIAL_20210928_LAK_Section8Tables_2021IRPD02.xlsx" and "CONFIDENTIAL_20200317_NewUnitSpecs_NGCC_SCCT_0283.xlsx"
- Two Excel files provided in response to JI 2-63 which are located in the "0283_2021IRP" subfolder of the "WorkpapersCONFIDENTIAL" folder and named "CONFIDENTIAL_20210923_2021IRPResPlanModel_0283D04.xlsx" and "CONFIDENTIAL_20210819_2021IRPScreeningModel_0283D05.xlsx"
- One PDF file and four Excel files provided in response to JI 2-63 which are located in the "2022Plan" subfolder of the "WorkpapersCONFIDENTIAL" folder and named "CONFIDENTIAL_06032021 PDF Report_LGE-KU_SPGPlatts_Final_version 2.pdf"; "CONFIDENTIAL_20210603_2022BP_CoalPriceForecast with LTP pricing_D07.xlsx"; "CONFIDENTIAL_LGE-KU Prices_All Scenarios_060121.xlsx"; "CONFIDENTIAL_E.W. Brown Solar..."

SolarAnywhere Time Series 19980101 to 20210427 Lat_37_775 Lon_-84_715 SA format.csv”; and “CONFIDENTIAL_E.W. Brown Solar... SolarAnywhere Time Series 19980101 to 20210427 Lat_37_775 Lon_-84_725 SA format.csv”

- The files contained within four subfolders provided in response to JI 2-63 which are located in the “Electric_Load_Forecast” subfolder of the “WorkpapersCONFIDENTIAL” folder and named “1_Inputs”; “2_Forecasts”; “3_Data_Processing”; and “6_IRP”
- The Excel file provided in response to JI 2-63 named “PSC DR1 KU LGE Attach to Q38 - CONFIDENTIAL EIA In-House Blend EV Forecast.xlsx”
- A portion of the PDF file provided in response to JI 2-63 named “PSC DR1 KU LGE Attach to Q56 - CONFIDENTIAL CT Costs.pdf”
- A portion of the Excel file provided in response to JI 2-63 named “JI DR2 KU LGE Attach to Q17 - SCCT Detail [CONFIDENTIAL].xlsx”
- The PDF file provided in response to JI 2-63 named “2022.04.22 srea written comments CONFIDENTIAL FINAL.pdf”
- The PDF file provided in response to JI 2-63 named “SC DR1 KU LGE Attach to Q11 - CONFIDENTIAL OVEC Board Documents.pdf”
- The PDF file provided in response to JI 2-63 named “SC DR1 KU LGE Attach to Q14 - CONFIDENTIAL.pdf”
- Eleven PDF files and two Excel files provided in response to JI 2-63 whose file names each begin with “SC DR1 KU LGE Attach to Q17”
- The PDF file provided in response to JI 2-63 named “SC DR1 KU LGE Attach to Q19 - CONFIDENTIAL OVEC Bills.pdf”

Certain files contain proprietary information and projections obtained from third parties. These third parties include S&P Global, IHS Markit, Itron, Black & Veatch, Bloomberg, Solar Anywhere, and others. The Companies pay annual fees to access some of these third-party data sources or pay licensing fees to use third-party proprietary software. As participants in competitive markets, these third parties do not want confidential technical information or projections each may have to be publicly disclosed or to be used against it in future negotiations with other customers or by its competitors. If this proprietary information is disclosed, these

parties and other third-party suppliers of the same kinds of information and analyses may be less willing to supply reports to the Companies in the future. Diminishing the Companies' ability to receive this information would harm both the Companies and their customers.

21. Additionally, certain files listed above in paragraph number 20 contain third-party information from the Ohio Valley Electric Corporation's ("OVEC"). This includes OVEC Board of Directors meeting minutes and related documents, which include commercially sensitive information relating to construction cost estimates to achieve ELG and CCR Rule compliance, projected power costs, and decision-making criteria and considerations concerning construction projects. It also includes OVEC-IKEC Board Updates and other OVEC communication items. These documents contain commercially sensitive information relating to actual power costs, projected power costs, summaries and projections of financial health, inventory amounts, estimated construction or equipment purchase amounts, and decision-making criteria and considerations concerning future contracts. Publicly disclosing this information could adversely affect OVEC's ability to obtain the most reasonable prices for such goods and services in the competitive marketplace, as well as disclose OVEC's underlying cost structures, which could impair its ability to compete effectively in the wholesale energy marketplace. All of these competitive harms could adversely affect the Companies' customers because the Companies are contractually obligated to purchase certain amounts of energy from OVEC. The information provided also contains copies of monthly OVEC bills to the Companies, which detail energy, demand, and transmission charges payable for available power pursuant to the Inter-Company Power Agreement ("ICPA"). The Companies purchase power from OVEC pursuant to the long-existing cost-based ICPA. OVEC has requested that the bills remain confidential because they include other sponsors' billing information and detailed cost

information related to OVEC's energy production, which could affect OVEC's ability to compete effectively in wholesale energy markets or in markets for vendor goods and services, as well as other detailed commercially sensitive information. The attachments also contain the Companies' models for strategies regarding OVEC's debt. Disclosure of such strategies could disadvantage OVEC by disclosing possible OVEC strategies with investors and banks, who could then increase costs for the strategies OVEC intends to implement. This would, in turn, disadvantage the Companies and their customers.

22. One of the files provided in the list in paragraph 20 includes comments that were produced confidentially by the Southern Renewable Energy Association ("SREA"). Because the file was produced by SREA and not by the Companies, the Companies are not at liberty to disclose this third-party file in the public record.

23. For these reasons, the Companies request confidential protection for the portions of their response to the Commission's Order that are identified as confidential.

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

24. The Kentucky Open Records Act exempts from disclosure certain private and personal information.²⁰

25. In response to the Commission's Order entered on August 31, 2023, the Companies are filing revised versions of the Companies' responses to SC 1-12(a); JI 1-40(a); KCA 2-19; and JI 2-63. Portions of the response to JI 2-63 remain confidential because they include customer names and customer-specific information²¹:

²⁰ KRS 61.878(1)(a).

²¹ The Commission has previously granted confidential treatment for similar information. *See, e.g., Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates*, Case No. 2014-00372, Order at 1-2 (Ky. PSC Apr. 14, 2015); *Electronic Application of Big Rivers Electric Corporation for Approval to Modify Its MRSM Tariff, Cease Deferring Depreciation Expenses, Establish Regulatory Assets, Amortize Regulatory Assets, and Other Appropriate Relief*, Case No. 2020-00064, Order at 2, 5 (Ky. PSC June 30, 2020).

- A portion of the PDF file named “CONFIDENTIAL_Vol_III_Reserve Margin Analysis_Tables 4,5,6.pdf”—specifically, Table 6 within the file—contains customer names and load reduction data that is personal information that should not be in the public domain.
- A portion of the 2021 IRP workpapers zip file—specifically, the files contained within the three subfolders titled “2_Forecasts”; “3_Data_Processing”; and “4_Demand_Forecasts” within the “Electric_Load_Forecast” folder—contain customer-specific data that is personal information and should not be in the public domain.
- A portion of the Excel file named “SREA DR1 KU LGE Attach to Q01(b) – CONFIDENTIAL Tables.xlsx”—specifically, the spreadsheet tab labeled “g - Table 6”—contains customer names and load reduction data that is personal information that should not be in the public domain.
- The Excel file named “SREA DR1 KU LGE Attach to Q4(c) – CONFIDENTIAL Major Accounts.xlsx” contains the names of major customer accounts and should not be in the public domain.

26. Each of these files contains customer-specific information that should not be in the public domain. Customers may be disadvantaged by the disclosure of customer-specific information, such as load data. For that reason, the Companies request confidential protection for the customer-specific information described above.

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

27. KRS 61.878(1)(m)(1) 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.”

28. In response to the Commission’s Order entered on August 31, 2023, the Companies are filing revised versions of the Companies’ responses to SC 1-12(a); JI 1-40(a); KCA 2-19; and JI 2-63. Portions of the response to JI 2-63 remain confidential because they include critical energy infrastructure information (“CEII”) such as sensitive transmission maps and details related to future transmission expansion plans²²:

- The PDF file named “CONFIDENTIAL_Transmission Expansion Plan Projects.pdf” contains detailed information regarding projected transmission infrastructure locations.
- The PDF file named “CONFIDENTIAL_Transmission System Map.pdf” contains a map that includes existing transmission infrastructure locations.
- The PDF file named “AG DR1 KU LGE Q2(a)(b) – CONFIDENTIAL TEP Estimate.pdf” contains detailed information regarding projected transmission infrastructure locations.
- A portion of the PDF file named “PSC DR1 KU LGE Attach to Q56 - CONFIDENTIAL CT Costs.pdf” contains non-public transmission function information that could be exploited from a transmission system security perspective.

29. The disclosure of these documents could expose a vulnerability through the disclosure of the location, configuration, or security of public utility critical systems. If such

²² The Commission has previously granted confidential protection for this type of information. *See, e.g., Electronic 2018 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2018-00348, Order at 3 (Ky. PSC Nov. 16, 2018); Case No. 2018-00348, Order at 2-3 (Ky. PSC Apr. 3, 2020).

information is made available in the public record, individuals seeking to induce public harm will have critical information concerning the present vulnerabilities of the Companies' transmission system. Knowledge of such vulnerabilities may allow a person to cause public harm through the disruption of the electric transmission system. For these reasons, the Companies request confidential protection for the CEII identified above.

Confidential Information Subject to this Petition

30. 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.

31. 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.

32. 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.²³

33. 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 confidential information to its encrypted file-share site for the Commission's retrieval noting

²³ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

the confidential information with highlighting. Access to the encrypted file-share site will be provided to intervenors pursuant to a confidentiality agreement.

34. Due to the serious security concerns related to the disclosure of Critical Infrastructure Information, the Companies request that the Critical Infrastructure Information contained in the identified portions of the Companies' response to JI 2-63 remain confidential indefinitely. For all other requests for confidential protection, the Company requests that confidential protection be granted for five years due to the sensitive nature of the information at issue.

WHEREFORE, Louisville Gas and Electric Company and Kentucky Utilities Company respectfully request that the Commission issue an order granting protection from public disclosure for the confidential information specifically described in this petition.

Dated: October 2, 2023

Respectfully submitted,



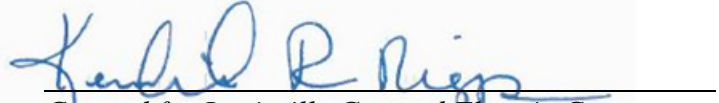
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CERTIFICATE OF SERVICE

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 October 2, 2023, and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



*Counsel for Louisville Gas and Electric Company
and Kentucky Utilities Company*