

**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>CASE NO. 2022-00402</b>
<b>COMPANY FOR CERTIFICATES OF</b>	)	
<b>PUBLIC CONVENIENCE AND NECESSITY</b>	)	
<b>AND SITE COMPATIBILITY</b>	)	
<b>CERTIFICATES AND APPROVAL OF A</b>	)	
<b>DEMAND SIDE MANAGEMENT PLAN</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 Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001 Section 13 to grant confidential protection for certain information the Companies are providing informationally to the Commission referenced in their supplemental response to Item No. 44 of the Joint Intervenors’ Initial Data Requests. 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. JI 1-44 requests the PROSYM user guide. In its original response to JI 1-44, the Companies explained that they were working with the copyright holder, Hitachi Energy, to

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

obtain permission to provide the PROSYM user guide in response to the request. Due to security protocols at Hitachi Energy and proprietary business concerns about competitors of Hitachi Energy accessing to the information, the Companies could not obtain consent from Hitachi Energy to provide the PROSYM user guide using standard confidentiality procedures but did obtain consent to disclose the PROSYM user guide on a more limited basis.

3. As provided in the Companies' supplemental response to JI 1-44, per the position of Hitachi Energy, the Companies will make the PROSYM user guide available for viewing upon request and at a mutually agreeable date and time at the Companies' offices in Louisville or Lexington. At the direction of the Commission's Filing Branch, the Companies provided a copy of the PROSYM user guide to the Commission's Filing Branch on April 13, 2023, for information purposes to be held in confidence and protected from public disclosure and did not file the PROSYM user guide into the record of this proceeding.

4. The PROSYM user guide is proprietary information of Hitachi Energy. As a business in competitive markets, this third party does not want confidential technical proprietary information to be publicly disclosed or to be used to its disadvantage in future negotiations with other customers or by its competitors. If this proprietary information is disclosed, this party may be less willing to supply software and services to the Companies in the future. Diminishing the Companies' ability to receive these software and services would harm both the Companies and their customers. This information should therefore be afforded confidential protection to protect the Companies and their customers.

**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, the

Companies' counsel, and Hitachi Energy, 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 Companies will permit the inspection of the confidential information, as discussed above, pursuant to a confidentiality agreement, to intervenors with a legitimate interest in this information and as required by the Commission. The Companies will make a hard copy of the document available for viewing upon request to intervenors that have executed a confidentiality agreement and do not compete with Hitachi Energy.

7. 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>2</sup>

8. The Companies request that confidential protection be granted indefinitely 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 grant confidential protection for the information described herein.

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

Dated: April 17, 2023

Respectfully submitted,



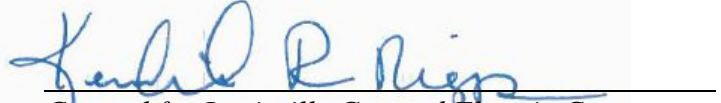
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**CERTIFICATE OF SERVICE**

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 April 17, 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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*and Kentucky Utilities Company*