

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

In the matter of:

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ELECTRONIC JOINT APPLICATION OF KENTUCKY : CASE NO. 2022-00402  
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 RETIRMENTS :

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**THE KENTUCKY COAL ASSOCIATION INC.'S  
MOTION FOR CONFIDENTIAL PROTECTION**

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Pursuant to 807 KAR 5:001, Section 13(9), the Kentucky Coal Association, Inc. (KCA) hereby moves the Public Service Commission of Kentucky (“Commission”) to grant confidential protection for certain information for certain matters addressed in their response brief (filed October 4, 2023). In short, the response brief includes confidential items (e.g. bid response information addressed in a post-hearing data response 4.1 to the Joint Intervenors by the Companies) for which a, “...motion for confidential treatment is pending.” *Id.* While the potential confidential matters discussed in the response brief may or may not be confidential subject to the further ruling by the Commission, KCA files this motion, rather than a notice, in an abundance of caution to comply with 807 KAR 5:001, Section 13.

To comply with the directives of 807 KAR 5:001, Section 13(9), KCA also identifies the redacted portions of their response brief as being addressed by Kentucky Utilities Company and Louisville Gas and Electric Company (the “Companies”) in their pending Petition for Confidential Treatment filed on September 15, 2023, which included requests of confidentiality for EPC/NGCC/RFP bid response matters – Joint Intervenor’s Post-Hearing DR 4.1. Outside of the foregoing potentially confidential information redacted in KCA’s filing, KCA’s remaining

brief is not confidential, as such, KCA is 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, and to avoid confusion, KCA will provide unredacted highlighted versions of its testimony to the Companies to include to the Companies' encrypted file-share site (HighQ) for the Commission's retrieval. Access to the encrypted file-share site will be provided to intervenors subject to the NDA agreement as well. Last, to the extent necessary, KCA incorporates and agrees with the Companies' requested length of protection of the possible confidential information referenced herein from the Companies' September 15, 2023 request.

Wherefore, KCA respectfully requests the relief sought herein.

Respectfully submitted,

/s/Matt Malone

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Counsel for the Petitioner,

**KENTUCKY COAL ASSOCIATION**

**CERTIFICATE OF SERVICE**

I hereby certify that KCA's October 4, 2023 electronic filing is a true and accurate copy of KCA's pleading and Read 1<sup>st</sup> Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on October 4, 2023; that an original and one copy of the filing will not be delivered to the Commission based on pandemic orders; that there are currently no parties excused from participation by electronic service; and that, on October 4, 2023, electronic mail notification of the electronic filing is provided to all parties of record:

/s/Matt Malone  
ATTORNEY FOR KCA