

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)	

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 in Exhibit LI-6 of the Direct Testimony of Lana Isaacson; Exhibit TAJ-3 of the Direct Testimony of Tim A. Jones; Exhibit CRS-2 of the Direct Testimony of Charles R. Schram; and Exhibits SAW-1 and SAW-2 of the Direct Testimony of Stuart A. Wilson. 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.¹ Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

¹ KRS 61.878(1)(c)(1).

2. Exhibit LI-6 contains the workpapers for the 2024-2030 Demand-Side Management and Energy Efficiency Program Plan, which include data the Companies provided to their DSM-EE consultant, Cadmus, to complete the DSM analysis, all of Cadmus's input data, and all outputs from Cadmus. The Companies are requesting confidential protection for three avoided capacity cost files included in Exhibit LI-6. These files contain detailed system parameter values and timing information that provide a high level of detail of the Companies' system. This information was developed internally by Companies' personnel and Cadmus, is not on file with any public agency, and is distributed within the Companies only to those employees who must have access for business reasons. The disclosure of this information may disadvantage the Companies in the wholesale energy market if others are aware of the Companies' detailed calculations for avoided capacity costs.

3. Exhibit CRS-2 contains responses to the Companies' June 2022 Request for Proposals ("RFP") for capacity and energy. Portions of Exhibits SAW-1 and SAW-2 also contain RFP response data. Confidential protection of the RFP responses is necessary because disclosure would disrupt the competitive bid process. Public disclosure would place the Companies at a considerable disadvantage when negotiating future contracts and could disadvantage them in the wholesale energy market. Furthermore, public disclosure would provide insight into the Companies' evaluation of bids to the detriment of the Companies and their ratepayers. The public disclosure of this information would create precisely the kind of competitive harm KRS 61.878(1)(c)(1) intends to prevent. Thus, KU and LG&E request confidential protection for the entirety of Exhibit CRS-2 and the portions of Exhibits SAW-1 and SAW-2 containing RFP data. The Companies previously requested the Commission to afford this kind of information

confidential protection in Case No. 2020-00016.² The Commission granted the Companies' request to protect this information from public disclosure.³

4. Similarly, Exhibits SAW-1 and SAW-2 contain detailed information about solar power purchase agreement ("PPA") proposals the Companies received. For the same reasons described in Paragraph 3, the Companies request the solar PPA proposals be protected from public disclosure.

5. Exhibits SAW-1, SAW-2, and TAJ-3 contain proprietary information and projections obtained from third parties. These third parties include S&P Global, IHS Markit, Itron, and others. As players in competitive markets, these third parties do not want confidential technical information or projections it has made 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. This information should therefore be afforded confidential protection to protect the Companies and their customers.

6. Exhibits SAW-1 and SAW-2 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

² *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 Tariff Option #3*, Case No. 2020-00016, Petition for Confidential Protection (Ky. PSC Jan. 23, 2020).

³ Case No. 2020-00016, Order (Ky. PSC May 8, 2020).

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.

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

7. The Kentucky Open Records Act exempts from disclosure certain private and personal information.⁴ The workpapers provided in Exhibit TAJ-3 include customer-specific historic metered data and projected load data. The identification of specific customer data is personal information that should not be in the public domain. The Companies request through this petition that the Commission protect Exhibit TAJ-3 from public disclosure.

Confidential Information Subject to this Petition

8. 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.

9. The Commission has consistently given confidential treatment to similar information in previous cases.⁵

10. 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.

⁴ KRS 61.878(1)(a).

⁵ See, e.g., Case Nos. 2020-00349 and 2020-00350, Order (PSC Ky. Dec. 7, 2021) (granting confidential protection for fuel prices and variable O&M data); *Electronic 2018 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2018-00348, Order (Ky. PSC Nov. 16, 2018).

11. 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.⁶

12. Pursuant to 807 KAR 5:001, Section 13(2)(b), for all of Exhibit CRS-2, the confidential zip file for Exhibit LI-6, the confidential zip file for Exhibit SAW-2, and the confidential zip file for Exhibit TAJ-3, the Companies are providing written notification that the entire document is confidential. For Exhibit SAW-1, which is not entirely confidential, 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 copies noting the confidential information with highlighting to its encrypted file-share site for the Commission's retrieval. Access to the encrypted file-share site will be provided to intervenors upon request pursuant to a confidentiality agreement.

13. For all requests for confidential protection, the Companies request 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 grant confidential protection for all of the information described herein.

⁶ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

Dated: December 15, 2022

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 December 15, 2022, 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, appearing to read "Harold R. Rigs", is displayed on a light gray rectangular background.

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