

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

**In the Matter of**

<b>ELECTRONIC PURCHASED GAS</b>	)	
<b>ADJUSTMENT FILING OF LOUISVILLE</b>	)	<b>CASE NO. 2023-00089</b>
<b>GAS AND ELECTRIC COMPANY</b>	)	

**PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY  
FOR CONFIDENTIAL TREATMENT OF CERTAIN INFORMATION**

Louisville Gas and Electric Company (“LG&E”), pursuant to 807 KAR 5:001, Section 13, petitions the Kentucky Public Service Commission (“Commission”) to classify and protect as confidential certain information that is contained in its Quarterly Gas Supply Clause filing, as more fully described below:

1. In its Order of July 28, 2022 in Case No. 2022-00180, the Commission required LG&E to submit all invoices it receives along with its monthly usage reports for each month of the reporting period when it files its future Gas Supply Clause filings. The disclosure of certain information included in the filing – specifically, Exhibit B-1, pages 6 and 7 and the corresponding invoices – could damage LG&E’s competitive position and business interests. As required by 807 KAR 5:001, Section 13(2)(a)3, LG&E is providing one copy of this filing, under seal, with the material for which confidential treatment is requested highlighted. In accordance with the Commission’s July 22, 2021 Order in Case No. 2020-00085 (“Electronic Emergency Docket Related to the Novel Coronavirus COVID-19”) (“COVID-19 Order”) the filing with the confidential material redacted will be part of the electronic filing in this proceeding.

2. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c)1. To qualify for this exemption and, therefore, maintain the

confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of that party.

3. The filing contains sensitive commercial information, the disclosure of which would injure LG&E's ability to negotiate future gas supply contracts at advantageous prices and, thereby, minimize the price of natural gas to its customers, and would unfairly advantage LG&E's competitors for both gas supplies and retail gas load. Any impairment of its ability to obtain the most advantageous price possible from natural gas producers and marketers will necessarily erode LG&E's competitive position vis-a-vis other energy suppliers that compete in LG&E's service territory, as well as other LDCs with whom LG&E competes for new and relocating industrial customers. This sensitive information identifies LG&E's natural gas suppliers and corresponding invoices for the period set forth and links those providers with specific gas volumes delivered and the costs thereof. Redacting the suppliers' names and corresponding invoices from the filing will prevent other parties from piecing together the sensitive information which LG&E seeks to protect from disclosure. LG&E, therefore, proposes that this information be kept confidential.

Disclosure of the suppliers' identities and corresponding invoices will damage LG&E's competitive position and business interest in two ways. First, it will allow LG&E's competitors to know the unit price and overall cost of the gas LG&E is purchasing from each supplier. This information is valuable to LG&E's competitors because it can alert them to the identity of LG&E's low-cost suppliers, and if those supply agreements are more favorable than theirs, they can attempt to outbid LG&E for those suppliers. This would raise prices to LG&E which would hurt its competitive position and harm its ratepayers. Second, it will provide competitors of LG&E's suppliers with information which will enable future gas bidding to be manipulated to the competitors' advantage and to the detriment of LG&E and its customers. Instead of giving its best price in a bid, a gas supply competitor with knowledge of the recent pricing practices of LG&E's

other suppliers could adjust its bid so that it just beats other bidders' prices or other terms. As a result, LG&E and its customers will pay a higher price for gas than they would have otherwise.


4. LG&E has filed similar requests with the Commission in prior quarterly Gas Supply Clause filings, which the Commission has granted.

5. The information in the filing for which LG&E is seeking confidential treatment is not known outside of LG&E and the relevant suppliers, and it is not disseminated within LG&E except to those employees with a legitimate business need to know and act upon the information.

6. The public interest will be served by granting this Petition in that competition among LG&E's prospective gas suppliers will be fostered, and the cost of gas to LG&E's customers will thereby be minimized. In addition, the public interest will be served by fostering full and fair competition between LG&E and other energy service providers within LG&E's gas service territory. For this reason and because LG&E's contracts with suppliers require that the information be kept confidential, LG&E respectfully requests that the above-referenced material should be treated as confidential for an indefinite period of time.

**WHEREFORE**, Louisville Gas and Electric Company respectfully requests that the Commission classify and protect as confidential for an indefinite period of time the confidential information described above.

Sincerely,



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### **CERTIFICATE OF COMPLIANCE**

In accordance with the Commission's Order on 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 March 31, 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*