

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

**In the Matter of:**

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

**PETITION OF**  
**LOUISVILLE GAS AND ELECTRIC COMPANY**  
**FOR CONFIDENTIAL PROTECTION**

Louisville Gas and Electric Company ("LG&E" or the "Company"), pursuant to 807 KAR 5:001, Section 13, respectfully petitions the Commission to classify as confidential and protect from public disclosure Appendix A – 2021 NITEC Inventory Analysis, which is attached as an exhibit to the response to Item No. 7 of the Commission Staff’s First Request for Information dated April 28, 2023. For reasons involving concerns about unfair commercial advantages and potential threats to public safety, the Company respectfully requests that the Commission grant confidential protection to Appendix A – 2021 NITEC Inventory Analysis.

In further support of this Motion, the Company states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that the information is generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.” See KRS 61.878(1)(c)l. Public disclosure of Appendix A could allow marketers access to non-public storage

data which could provide them an unfair competitive advantage as storage information can be used to predict trends in broader energy markets.

2. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open disclosure would "have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to: ... (f) infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems." See KRS 61.878(1)(m)l. Succinctly put, Appendix A attached to the response to Question No. 7 provides information about the Company's gas storage fields; as such, the disclosure of which could threaten the public safety generally.

2. The information for which the Company is seeking confidential treatment is not known outside of the Company, except by regulators, is not broadly available within the Companies, and is generally recognized as confidential and proprietary information.


3. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect the Company's 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. *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, Ky. App., 642 S.W.2d 591,592-94 (1982).

4. The Company is filing with the Commission in electronic format Appendix A – 2021 NITEC Inventory Analysis identified as confidential.

**WHEREFORE,** Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: May 12, 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 May 12, 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*