

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

In the Matter of:

ELECTRONIC TARIFF FILINGS OF LOUISVILLE )	
GAS AND ELECTRIC COMPANY AND )	
KENTUCKY UTILITIES COMPANY TO REVISE )	
PURCHASE RATES FOR SMALL CAPACITY )	
AND LARGE CAPACITY COGENERATION AND )	CASE NO. 2023-00404
POWER PRODUCTION QUALIFYING )	
FACILITIES AND NET METERING SERVICE-2 )	
CREDIT RATES )	

**RESPONSE OF KENTUCKY SOLAR ENERGY SOCIETY AND MOUNTAIN  
ASSOCIATION TO JOINT PETITION OF LOUISVILLE GAS AND  
ELECTRIC COMPANY AND KENTUCKY UTILITIES COMPANY FOR  
CONFIDENTIAL PROTECTION DATED FEBRUARY 22, 2024**

Come now Kentucky Solar Energy Society (“KYES”) and Mountain Association (“MA”) (together “Joint Intervenors”) and pursuant to 807 KAR 5:001, Section 5(2) hereby respond to the petition of Louisville Gas and Electric Company and Kentucky Utilities Company (“the Companies”) for Confidential Protection to the items provided in its responses to Commission Staff’s (“PSC”) Second Request for Information, Item Nos. 1, 3, and 4; Joint Intervenors’ (“JI”) Supplemental Requests for Information, Item Nos. 6(a) and (b); and Kentucky Solar Industries Association, Inc.’s (“KYSEIA”) Supplemental Requests for Information, Item No. 4 dated February 22, 2024 (“Joint Petition”).

Joint Intervenors respectfully request the Commission deny the petition with regard to the Companies' responses to PSC 2-1, PSC 2-3, PSC 2-4, and KYSEIA 2-4. As noted in a footnote to the Companies' petition, this Commission has previously denied confidential protection for substantively identical information, namely solar purchase power agreement ("PPA") pricing and other provisions.<sup>1</sup> The Companies have appealed that decision, and as in that appeal the Joint Intervenors continue to support the decision of the Commission with respect to the confidentiality of the information. As the Commission has stated previously, it "must be able to transparently address the pricing and resultant cost impact in order to provide the public with a meaningful cost-benefit analysis ...."<sup>2</sup>

Wherefore, Joint Intervenors respectfully request the Commission deny the petition with regard to the Companies' responses to PSC 2-1, PSC 2-3, PSC 2-4, and KYSEIA 2-4.

Respectfully Submitted,



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Tom FitzGerald  
Byron L. Gary

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<sup>1</sup> Joint Petition at 5, note 7.

<sup>2</sup> *Electronic Joint Application of Kentucky 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 Retirements*, Case No. 2022-00402, Order at 5 (Ky. PSC Aug. 31, 2023).

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### **CERTIFICATE OF SERVICE**

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*, this is to certify that the electronic filing was submitted to the Commission on February 29, 2024; that the documents in this electronic filing are a true representation of the materials prepared for the filing; and that the Commission has not excused any party from electronic filing procedures for this case at this time.



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Tom FitzGerald