

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF)	
LOUISVILLE GAS AND ELECTRIC)	
COMPANY AND KENTUCKY UTILITIES)	CASE NO. 2023-00422
COMPANY SERVICE RELATED TO)	
WINTER STORM ELLIOTT)	

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 Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001 Section 13 to grant confidential protection for certain information the Companies are providing in their supplemental response to Commission Staff’s First Request for Information (“PSC”) Item No. 86. In support of this Joint Petition, the Companies state as follows:

Critical Energy Infrastructure Information —

KRS 61.878(1)(m)(1), KRS 61.878(1)(k), and 18 CFR § 388.113

1. Critical energy infrastructure information (“CEII”) is protected from public disclosure by both state and federal law. KRS 61.878(1)(m)(1) exempts from disclosure public records that have a reasonable likelihood of threatening public safety by exposing a vulnerability, such as vulnerability assessments, infrastructure records that disclose the “location, configuration, or security of critical systems,” or “detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems.”

2. The Kentucky Open Records Act also protects “[a]ll public records or information the disclosure of which is prohibited by federal law or regulation or state law.”¹ The disclosure of certain information the Companies produce would violate 18 CFR § 388.113, a federal law that protects critical electric infrastructure information and critical energy infrastructure information from public disclosure.

3. The following eight attachments to PSC 1-86 contain highly confidential CEII and should remain confidential indefinitely: LGE-KU002_0000462, LGE-KU002_000464, LGE-KU002_0000466, LGE-KU002_0000535, LGE-KU002_0000718, LGE-KU002_0000720, LGE-KU002_0000830, and LGE-KU002_0000855.

4. Attachments LGE-KU002_0000830 and LGE-KU002_0000855 are partially confidential because certain portions of each attachment contain CEII, including detailed transmission information about specific transmission lines and ratings, detailed energy infrastructure data and voltage information, and N-1 information related to system stability and mitigation planning. “N-1” is a term that refers generally to a power system’s ability to maintain normal operations in the event of a single outage, such as an unplanned loss of a transmission line, generator, or transformer.

5. Attachments LGE-KU002_0000462, LGE-KU002_000464, LGE-KU002_0000466, LGE-KU002_0000535, LGE-KU002_0000718, and LGE-KU002_0000720 are confidential in their entirety because each document reveals details of the Companies’ emergency contingency plans related to adequacy and stability of the electric system. This information is CEII and could be used by malevolent parties to strategically disrupt the electric system during future severe weather events. Attachments LGE-KU002_0000535, LGE-KU002_0000718, and LGE-KU002_0000720 were previously produced confidentially to FERC

¹ KRS 61.878(1)(k).

as documents containing CEII, protected from public disclosure under federal law 18 CFR § 388.113.

6. The disclosure of CEII documents could create serious security concerns by exposing vulnerabilities of public utility critical systems and configurations. If such information is made available in the public record, individuals seeking to induce public harm will have critical information concerning the present vulnerabilities of the Companies' systems. Knowledge of such vulnerabilities may allow a person to cause public harm through the disruption of the electric system. The Commission has historically recognized the need for confidential treatment of similar sensitive information.²

Non-Public Transmission Function Information —

KRS 61.878(1)(k) and 18 CFR § 388.113

7. The Kentucky Open Records Act protects “[a]ll public records or information the disclosure of which is prohibited by federal law or regulation or state law.”³ The disclosure of certain information the Companies produce would violate federal regulation and thus should be protected pursuant to KRS 61.878(1)(k).

8. The FERC Standards of Conduct for Transmission Providers, as stated in 18 CFR § 358, impose the “independent functioning rule,” which requires transmission function and marketing function employees to operate independently of each other and the “no-conduit rule,” which prohibits passing non-public transmission function information to marketing function employees.⁴ Non-public transmission information may include, but is not limited to, non-public information concerning load resources of load serving entities (“LSEs”) within the LG&E/KU

² See, e.g., *Electronic 2018 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2018-00348, Order at 3 (Ky. PSC Nov. 16, 2018); Case No. 2018-00348, Order at 2-3 (Ky. PSC Apr. 3, 2020).

³ KRS 61.878(1)(k).

⁴ 18 CFR § 358.2. See also FERC Docket No. RM07-1-000 (Oct. 16, 2008).

Balancing Authority Area (“BAA”), non-public information about area control error (“ACE”) data, and non-public information about N-1 operational standards and data.

9. In addition to the reasons previously stated, the following eight attachments contain non-public transmission function information that should be treated confidentially to ensure that they are not accessible to the Companies’ marketing function employees: LGE-KU002_0000462, LGE-KU002_000464, LGE-KU002_0000466, LGE-KU002_0000535, LGE-KU002_0000718, LGE-KU002_0000720, LGE-KU002_0000830, and LGE-KU002_0000855. In preparing these responses and attachments, the Companies have ensured that the non-public transmission function information is not accessible to marketing function employees.

10. Because the identified attachments provided in the Companies’ responses to PSC 1-86 contain non-public transmission function information, the disclosure of which would violate 18 CFR § 358 because it would provide marketing function employees with access to the information, the Commission should grant confidential protection to this information indefinitely, or until the information becomes public.

11. The Commission has previously granted indefinite confidential protection to non-public transmission function information.⁵

Confidential Personal Information — KRS 61.878(1)(a)

12. The Kentucky Open Records Act exempts from disclosure certain private and personal information.⁶

⁵ See, e.g., *Electronic Joint Application of Louisville Gas and Electric Company, Meade County Rural Electric Cooperative Corporation, and Big Rivers Electric Corporation for (1) Approval of an Agreement Modifying an Existing Territorial Boundary Map and (2) Establishing Meade County Rural Electric Cooperative Corporation as the Retail Electric Supplier for Nucor Corporation's Proposed Steel Plate Mill in Buttermilk Falls Industrial Park in Meade County, Kentucky*, Case No. 2019-00370, Order at 3 (Ky. PSC Mar. 9, 2020); *Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates*, Case No. 2014-00372, Order at 1-2 (Ky. PSC June 15, 2015); Case No. 2014-00372, Order at 1-2 (Ky. PSC Sept. 27, 2016).

⁶ KRS 61.878(1)(a).

13. Two attachments provided by the Companies in response to PSC 1-86, LGE-KU002_0000480 and LGE-KU002_0000876, include Curtailable Service Rider (“CSR”) customer-specific data, including customer names and load information. The identification of specific customer data is personal information that should not be in the public domain. The Commission has previously granted confidential protection to similar customer-identifying information.⁷ The Companies request that this customer-identifying information remain confidential indefinitely.

Confidential Information Subject to this Petition

14. With the exception of third-party information provided to the Companies in confidence, 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.

15. The Commission has previously granted confidential protection for similar information.

16. 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.

⁷ *Application of Kentucky Utilities Company for an Adjustment of its Electric Rates*, Case No. 2012-000221, Order at 1-2 (Ky. PSC July 25, 2013); *Electronic Application of Big Rivers Electric Corporation for a Certificate of Public Convenience and Necessity to Construct a 161 kV Transmission Line in Henderson County, Kentucky*, Case No. 2022-00012, Order at 3 (Ky. PSC June 3, 2022).

17. 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.⁸

18. Pursuant to 807 KAR 5:001, Section 13(2)(b), the Companies are providing written notification that the following documents are entirely confidential: LGE-KU002_0000462, LGE-KU002_000464, LGE-KU002_0000466, LGE-KU002_0000535, LGE-KU002_0000718, and LGE-KU002_0000720.

19. For attachments LGE-KU002_0000830, LGE-KU002_0000855, LGE-KU002_0000480, and LGE-KU002_0000876, which are 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 pursuant to a confidentiality agreement. The Companies will ensure that none of its marketing function employees have access to the encrypted file-share site.

20. Due to the serious security concerns related to the disclosure of CEII, the Companies request that the CEII provided in the eight attachments referenced above remain confidential indefinitely. Due to the federal requirements prohibiting disclosure, the Companies request that the non-public transmission function information provided in the eight attachments referenced above remain confidential indefinitely or until the information becomes public. Due to the personally sensitive nature of customer-identifying information, the Companies request

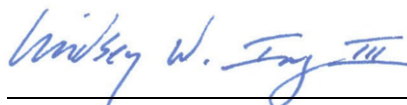
⁸ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

that the customer-identifying information contained in the two referenced attachments remain confidential indefinitely.

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.

Dated: March 8, 2024

Respectfully submitted,



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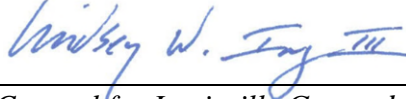
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CERTIFICATE OF SERVICE

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 March 8, 2024, and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



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