



23 through December 25, 2022. This sensitive business information is confidential because it provides competitors of the Companies unfair competitive insight into the contracting terms agreed to by the Companies and TGT. The Companies and their customers would be harmed by the public disclosure of this information, because in the event that a future seller cannot meet the delivery terms of a contract entered into with the Companies, the seller could use this information to set a floor or a ceiling for the value of the credit offered as compensation. Public disclosure would permit unfair commercial advantages to competitors. Accordingly, the dollar amount contained in the narrative response to JI 2-16 should remain confidential for a five-year period because it is commercially sensitive information.

3. The Commission has historically recognized the need for confidential treatment of this type of sensitive commercial information.<sup>2</sup>

### **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.”<sup>3</sup> The disclosure

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<sup>2</sup> See, e.g., *An Examination of the Application of the Fuel Adjustment Clause of Kentucky Utilities Company from May 1, 2013 Through October 31, 2013*, Case No. 2013-00446, Order at 2 (Ky. PSC June 13, 2014) (granting indefinite confidential protection to settlement agreement information); *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates and for Certificates of Public Convenience and Necessity*, Case No. 2016-00370, Order at 2, 5 (Ky. PSC Dec. 10, 2018) (granting confidential protection to compensation agreements with third-party vendors and confidential settlement information).

of certain information the Companies produce would violate 18 CFR § 388.113, a federal law that protects and prohibits public disclosure of critical electric infrastructure information and critical energy infrastructure information.

3. The following responses contain highly confidential CEII: PSC 2-17, PSC 2-23, JI 2-5, and JI 2-14.

4. The Companies are providing a number of confidential attachments in the response to PSC 2-17 which contain CEII, as outlined in the chart below:

PSC 2-17 Attachment Name	CEII	Confidential in Full or in Part?
LGE-KU003_0001649	Columns AF-AP and Column AV contain detailed information on infrastructure configurations that could be used to target system vulnerabilities.	In part
LGE-KU003_0001650- LGE-KU003_0001653	Contains detailed mitigation procedures to maintain system stability in extreme weather events and discloses specific locations of public utility critical systems that could be used to target system vulnerabilities.	In full
LGE-KU003_0001690	Spreadsheet contains detailed emergency planning and mitigation information that could be used to target vulnerable circuits during extreme weather event.	In full
LGE-KU003_0001696- LGE-KU003_0001716	Contains detailed information on Companies' emergency planning and mitigation strategies that could be used to target system vulnerabilities.	In full
LGE-KU003_0001717- LGE-KU003_0001727	Contains detailed mitigation procedures to maintain system stability in extreme weather events that could be used to target system vulnerabilities.	In full
LGE-KU003_0001691	Contains confidential N-1 information and mitigation strategies for maintaining system stability, which could be used to target system vulnerabilities in extreme weather events.	In full
LGE-KU003_0001692	Contains detailed information regarding Companies' emergency response protocols and mitigation strategies that could be used to target system vulnerabilities.	In full

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<sup>3</sup> KRS 61.878(1)(k).

LGE-KU003_0001654- LGE-KU003_0001689	Redacted portions disclose the specific locations of public utility critical systems.	In part
LGE-KU003_0001693	Contains detailed information regarding Companies' emergency response protocols and mitigation strategies that could be used to target system vulnerabilities.	In full
LGE-KU003_0001694	Contains confidential N-1 information related to system stability and mitigation planning.	In full
LGE-KU003_0001728- LGE-KU003_0001743	Contains detailed information about specific transmission lines and rates, detailed energy infrastructure data and voltage information, and N-1 information that could be used to target system stability and disrupt mitigation efforts in an emergency event.	In part
LGE-KU003_0001695	Contains detailed information regarding the Companies' contingency planning during an emergency event that could be used to target system vulnerabilities.	In full

5. The images provided in the narrative response to PSC 2-23 are confidential screenshots of the Companies' Manual Load Shed display software that contain detailed information regarding a prioritization of circuit breakers and their criticality in the event of emergency. In the wrong hands, this information could be used to target vulnerable circuit locations and disrupt the stability of the transmission system. As such, this information should be protected as highly confidential CEII to avoid potential security threats or public harm.

6. The attachments to the responses to JI 2-5(a) and JI 2-5(c) contain confidential information pertaining to the Companies' contemplated, completed, and ongoing Transmission Expansion Plan projects. These attachments contain CEII regarding the Companies' transmission infrastructure, namely detailed load information, and capacity and timing information, among other CEII. Public disclosure of this information could allow an actor with malevolent intentions to gain harmful insight into potential vulnerabilities in the transmission system based on the current statuses of system upgrades. Releasing a copy of these documents would thus pose a security concern.

7. The attachments provided in response to JI 2-14(b) and JI 2-14(c) identify by circuit number the customers impacted by load shedding. The disclosure of this information could be used along with publicly available circuit location data to determine circuits to disrupt that would have the greatest impact on the Companies' operations and customers. For that reason, the attachments contain confidential CEII and public disclosure of the redacted portions of each attachment should be prohibited to prevent public harm.

8. The disclosure of these documents could expose a vulnerability through the disclosure of the configuration of public utility critical systems. 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.<sup>4</sup>

**Confidential Information Protected from Disclosure  
by Federal or State Law — KRS 61.878(1)(k)**

9. 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.”<sup>5</sup> The disclosure of certain information the Companies produce would violate federal regulation and thus should be protected pursuant to KRS 61.878(1)(k).

10. 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,”

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<sup>4</sup> 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).

<sup>5</sup> KRS 61.878(1)(k).

which prohibits passing non-public transmission function information to marketing function employees.<sup>6</sup> 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 Balancing Authority Area (“BAA”), non-public information about area control error (“ACE”) data, and non-public information about N-1 operational standards and data.

11. In addition to the reasons previously stated, the following responses or 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: thirty-six attachments to PSC 2-17, the attachment to PSC 2-23, the attachment to JI 2-5(a), and the attachment to JI 2-5(c). In preparing these responses and attachments, the Companies have ensured that the non-public transmission function information is not accessible to marketing function employees.

12. The following list of attachments provided in response to PSC 2-17 contain non-public transmission function information:

PSC 2-17 Attachment Name	Non-Public Transmission Function Information	Confidential in Full or in Part?
LGE-KU003_0001744	Contains non-public LSE load data.	In full
LGE-KU003_0001690	Contains non-public LSE load data.	In full
LGE-KU003_0001696- LGE-KU003_0001716	Contains non-public BAA information.	In full
LGE-KU003_0001717- LGE-KU003_0001727	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001751- LGE-KU003_0001755	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001756- LGE-KU003_0001759	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001760- LGE-KU003_0001763	Contains non-public N-1 information and LSE load data.	In full

<sup>6</sup> 18 CFR § 358.2. *See also* FERC Docket No. RM07-1-000 (Oct. 16, 2008).

LGE-KU003_0001764- LGE-KU003_0001767	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001768- LGE-KU003_0001770	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001771- LGE-KU003_0001773	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001774- LGE-KU003_0001776	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001777- LGE-KU003_0001779	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001780- LGE-KU003_0001783	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001784- LGE-KU003_0001786	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001787- LGE-KU003_0001789	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001790- LGE-KU003_0001792	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001793- LGE-KU003_0001795	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001796- LGE-KU003_0001798	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001799- LGE-KU003_0001801	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001802- LGE-KU003_0001804	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001805- LGE-KU003_0001816	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001817- LGE-KU003_0001822	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001823- LGE-KU003_0001826	Contains non-public N-1 information and LSE load data.	In full
LGE-KU003_0001745	Contains detailed non-public LSE load data.	In full
LGE-KU003_0001746	Contains detailed non-public LSE load data.	In full
LGE-KU003_0001747	Contains detailed non-public LSE load data.	In full
LGE-KU003_0001748	Contains detailed non-public LSE load data.	In full
LGE-KU003_0001749	Contains detailed non-public LSE load data.	In full
LGE-KU003_0001750	Contains detailed non-public LSE load data.	In full
LGE-KU003_0001691	Contains non-public N-1 information, LSE load data, and ACE information.	In full
LGE-KU003_0001692	Contains non-public information associated with real time transmission operations.	In full
LGE-KU003_0001693	Contains non-public information associated with real time transmission operations.	In full

LGE-KU003_0001827- LGE-KU003_0001829	Contains non-public LSE load information.	In full
LGE-KU003_0001694	Contains non-public N-1 information.	In full
LGE-KU003_0001728- LGE-KU003_0001743	Redacted portions contain non-public N-1 information and ACE data.	In part
LGE-KU003_0001695	Contains non-public N-1, LSE load information, and ACE data.	In full

13. Because the Companies' responses identified above 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.

14. The Commission has previously granted indefinite confidential protection to non-public transmission function information.<sup>7</sup>

**Confidential Information Subject to this Petition**

15. 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.

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

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<sup>7</sup> 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).



17. 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.

18. 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.<sup>8</sup>

19. Pursuant to 807 KAR 5:001, Section 13(2)(b), for the attachment to JI 2-5(a), the attachment to JI 2-5(c), and the thirty-six attachments to PSC 2-17 as identified in paragraphs 4 and 12 as confidential in full, the Companies are providing written notification that the entire documents are confidential.

20. For the attachment to JI 2-14(b), the attachment to JI 2-14(c), the narrative response to JI 2-16, the narrative response to PSC 2-23, and the three attachments to PSC 2-17 as identified in paragraphs 4 and 12 as confidential in part, 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.

21. Due to the serious security concerns related to the disclosure of CEII, the Companies request that the CEII provided in response to PSC 2-17, PSC 2-23, JI 2-5(a) and (c),

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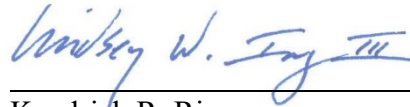
<sup>8</sup> *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

and JI 2-14(b) and (c) remain confidential indefinitely. Due to the federal requirements prohibiting disclosure, the Companies request that the non-public transmission function information provided in response to PSC 2-17, PSC 2-23, and JI 2-5(a) and (c) remain confidential indefinitely or until the information becomes public. For all other 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.

Dated: March 15, 2024

Respectfully submitted,



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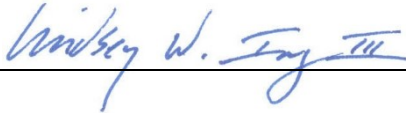
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**CERTIFICATE OF SERVICE**

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 15, 2024, 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  
and Kentucky Utilities Company*