

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

**In the Matter of:**

<b>ELECTRONIC 2024 JOINT INTEGRATED</b>	)	
<b>RESOURCE PLAN OF LOUISVILLE GAS</b>	)	
<b>AND ELECTRIC COMPANY AND</b>	)	<b>CASE NO. 2024-00326</b>
<b>KENTUCKY UTILITIES COMPANY</b>	)	

**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, the “Companies”) petition the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13 and KRS 61.878 to grant confidential protection for certain information the Companies are providing in its responses to Supplemental Data Requests of Joint Intervenors (“JI”) Item Nos. 11, 13(b), 16, and 25(d) and Kentucky Coal Association’s Supplemental Requests for Information (“KCA”) Item No. 12. In support of this Joint Petition, the Companies state as follows:

**Confidential Commercial Information — KRS 61.878(1)(c)(1)**

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure commercially sensitive information to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission.<sup>1</sup> Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

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<sup>1</sup> KRS 61.878(1)(c)(1).

2. In response to JI 2-11, the Companies are providing the Request for Proposals (“RFP”) issued to bidders for construction of (1) the proposed Natural Gas Combined Cycle project at Mill Creek 5 and (2) the Mercer County Solar project, and the responses to those RFPs. Confidential protection of the RFP and the responses are necessary because disclosure would disrupt the competitive bid process.

3. First, the Companies provided the RFPs to bidders for Mill Creek 5 and Mercer County Solar using a secured restricted access computer software that required the bidders to hold the information in confidence. Mill Creek 5 bidders further executed nondisclosure agreements that required the bidders to hold the information in confidence. Disclosure of the RFPs attached to JI 2-11 would place the bidders, and therefore the Companies and their customers, at a competitive disadvantage when negotiating with subcontractors for their bid if for example, the subcontractor knows which approved suppliers they are competing against or knows they are among a small group of approved suppliers. Disclosure of this information would, in turn, put the Companies at a commercial disadvantage when negotiating the contract with the winning bidder(s) and would ultimately harm the Companies’ customers. The Commission previously granted the Companies’ request to protect this information concerning Mill Creek 5 from public disclosure.<sup>2</sup>

4. Second, confidential protection of the RFP response data provided in response to JI 2-11 is necessary because disclosure would disrupt the competitive bid process. Public disclosure would place the Companies at a considerable disadvantage when negotiating future contracts and could disadvantage them in the wholesale energy market. Furthermore, public disclosure would provide insight into the Companies’ evaluation of bids to the detriment of the

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<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 (Ky. PSC Aug. 31, 2023).

Companies and their ratepayers. The Commission has previously granted the Companies' requests to protect similar information from public disclosure.<sup>3</sup>

5. In response to KCA 2-12, the Companies are providing confidential information regarding power production costs that the Companies wish to protect from public disclosure. This information—including projected costs of fuel and production costs—was developed internally by the Companies' personnel, is not on file with any public agency, is not available from any commercial or other source outside the Companies, and is distributed within the Companies only to those employees who must have access for business reasons. If the Commission grants public access to this information, LG&E and KU could be disadvantaged in negotiating fuel contracts in the future, and could also be disadvantaged in the wholesale energy market because fuel costs are important components of energy pricing. The Companies requested confidential protection for the same information in their 2021 IRP, Case No. 2021-00393. Although the Commission has not ruled on the Companies' Petition for Confidential Protection in that case, the Commission has previously granted confidential protection to similar information.<sup>4</sup>

6. In response to JI 2-16(a)-(d), the Companies are providing as an attachment details for 18 data center projects, including the electric peak demand requirement, location of the potential project, and the phase of development of the project. The Companies are requesting confidential protection for the details of the projects that have not yet been publicly announced. If publicly disclosed, competitors of the Companies will gain unfair insight into the Companies'

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<sup>3</sup> See, e.g., *Electronic Application of Louisville Gas and Electric Company and Kentucky Utilities Company for Approval of a Solar Power Contract and Two Renewable Power Agreements to Satisfy Customer Requests for a Renewable Energy Source Under Green Tariff Option #3*, Case No. 2020-00016, Order (Ky. PSC May 8, 2020).

<sup>4</sup> See, e.g., *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates, A Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, Case No. 2020-00349, Order at 3-4 (Ky. PSC Dec. 6, 2022); *Electronic 2021 Integrated Resource Plan of Duke Energy Kentucky, Inc.*, Case No. 2021-00245, Order at 7-8 (Ky. PSC June 13, 2023).

negotiation process with prospective customers, and competitors will gain an unfair commercial advantage in attracting new customers to locate within a particular service territory.

**Confidential Critical Energy Infrastructure Information – KRS 61.878(1)(m)**

7. Critical energy infrastructure information (“CEII”) is protected from public disclosure under KRS 61.878(1)(m)(1). The Kentucky Open Records Act exempts from public disclosure certain information that has a reasonable likelihood of threatening public safety by exposing a vulnerability, such as 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.”<sup>5</sup>

8. The Companies are providing System Impact Studies provided in response to JI 2-13(b), JI 2-16(e), and JI 2-25(d). The System Impact Studies contain confidential transmission information that could expose a vulnerability through the disclosure of the location, configuration, or security 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’ transmission system. Knowledge of such vulnerabilities may allow a person to cause public harm through by disrupting the electric transmission system. For this reason, the Companies are requesting confidential protection for the System Impact Studies in their entirety.

**Confidential Information Subject to this Petition**

9. With the exception of information provided by the Companies confidentially to potential RFP bidders and provided to the Companies confidentially by vendors or RFP respondents, the information for which the Companies are seeking confidential treatment is not

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<sup>5</sup> KRS 61.878(1)(m)(1)(f).

known outside of LG&E and KU, 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.

10. The Companies will disclose the confidential information, pursuant to a confidentiality agreement, to intervenors with legitimate interests in the information and as required by the Commission.

11. 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>6</sup>

12. In compliance with 807 KAR 5:001, Section 13, LG&E and KU are providing written notification that the attachment to KCA 2-12, the attachment to JI 2-11, Attachment 2 to JI 2-13(b), Attachments 1, 2, and 3 to JI 2-16(e), and Attachments 2 and 3 to JI 2-25(d) are confidential in full.

13. For the attachment to JI 2-16(a)-(d), which is 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 copy 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.

14. Due to the sensitive nature of the CEII, the Companies request that the information provided in the responses to JI 2-13(b), JI 2-16(e), and JI 2-25(d) remain confidential indefinitely.

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<sup>6</sup> *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. Ct. App. 1982).

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: February 11, 2025

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 February 11, 2025; 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*