

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**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 and KRS 61.878 to grant confidential protection for certain information the Companies are providing in their responses to post-hearing requests for information from Commission Staff (“PSC”) Item No. 3-2, Joint Intervenors (“JI”) Item Nos. 3-1 and 3-7(c)(ii), and Sierra Club (“SC”) Item No. 3-6 in this proceeding.

Confidential Personal Information – Customer-Identifying Information (KRS 61.878(1)(a))

1. The Kentucky Open Records Act exempts from disclosure certain private and personal information and information that will reveal specific customers’ billing information.¹ The exhibit attached in the Companies’ response to JI 3-7(c)(ii) includes customers’ past-due balances organized by zip code. In zip codes containing only a single large industrial customer, this information will inevitably cause public disclosure of the individual customer’s past-due balances, and therefore reveals the customer’s billing information, energy usage, and energy costs. Specific customer billing information is personal information that should not be placed in the

¹ KRS 61.878(1)(a).

public domain. The Commission previously granted confidential protection to similar information.² Because information in this attachment risks identifying billing and financial information from individual customers, the Companies request through this petition that the Commission protect the exhibit attached to JI 3-7(c)(ii) from public disclosure.

Confidential Commercial Information – KRS 61.878(1)(c)(1)

2. 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.³ Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

3. The Companies' response to SC 3-6 includes a third-party report which analyzes the feasibility, technical requirements, and projected costs related to converting each of the Companies' coal fired units into natural gas fired units. The report consists of internal information related to the Companies' power production at the coal plants including projected costs of fuel, O&M cost projections, generating unit performance projections, and power market projections.

² *Application of Duke Energy Kentucky, Inc. for: (1) An Adjustment of the Electric Rates; (2) Approval of an Environmental Compliance Plan and Surcharge Mechanism; (3) Approval of New Tariffs; (4) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and (5) All Other Required Approvals and Relief*, Case No. 2017-00321, Order (Ky. PSC May 3, 2018) (granting confidential protection to specific customer account information, including account numbers and billing data); *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) (granting confidential protection to customer names, account numbers, and usage information); *Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity, Approval of Ownership of Gas Service Lines and Risers, and a Gas Line Surcharge*, Case No. 2012-0222, Order at 1-2 (Ky. PSC July 16, 2013) (granting confidential protection to "customer-identifying information such as customer names and account numbers"); see also *Application of Kentucky-American Water Company for an Adjustment of Rates Supported by a Fully Forecasted Test Year*, Case No. 2012-00520, Order at 4 (Ky. PSC Aug. 1, 2014) (granting confidential protection to the response of Staff Item 77, which contained customer-identifying information like names, account numbers, balance history, and the names of customers qualifying for discounted service); *DPi Teleconnect, LLC v. BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky*, Case No. 2005-00455, Letter from Stephanie Stumbo to Mary Keyer (Ky. PSC May 29, 2008).

³ KRS 61.878(1)(c)(1).

This report was created at the Companies' request for the specific purpose of evaluating future resource generation options in light of changing market conditions, is not on file with any public agency, and is distributed within the Companies only to those employees and third-parties who must have access for business reasons.

4. The presentations and supporting workpapers attached to the Companies' response to PSC 3-2 contain the Companies' yearly projections of fuel prices, emission allowance prices, variable O&M prices by component, and market electricity prices. This information 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.

5. Public disclosure of this information would reveal the procedures followed and the factors and inputs considered by the Companies in evaluating the viability of possible generation projects. Additionally, public disclosure would give the Companies' contractors, vendors, and competitors access to the Companies' cost and operational parameters, and insight into the Companies' contracting practices, which would impact the Companies' ability to negotiate with these parties and harm the Companies' competitive position in the wholesale power market. All such commercial harms would ultimately harm LG&E's and KU's customers, who would have to pay higher rates if the disclosed information resulted in higher fuel prices or adversely affected the Companies' generation asset procurement process or off-system energy sales. The Commission has previously granted the Companies' requests to protect this information from public disclosure.⁴

⁴ See, e.g., *Electronic Joint Application of Kentucky Utilities Company and Louisville Gas & 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. 17, 2023).

For these reasons, the Companies respectfully request confidential treatment for the supporting documents attached to SC 3-6 and PSC 3-2.

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

6. 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.”⁵

7. The Companies’ response to SC 3-6 includes maps and GPS coordinates for the Companies’ existing generation facilities, as well as the path of major natural gas pipelines in relation to these facilities. The Companies’ response to JI 3-1 includes narrative descriptions, maps, and technical drawings of the Ohio Falls facility. If publicly disclosed, this information could expose a vulnerability through the disclosure of the location, configuration, or security of public utility critical systems.

8. If such information is made available in the public record, individuals seeking to induce public harm will have critical information concerning the location and configuration of the Companies’ transmission system. Knowledge of such configuration may allow a person to cause public harm by disrupting the electric transmission system.

Confidential Information Subject to this Petition

9. The information for which the Companies are seeking confidential treatment is not known outside of LG&E and KU and its contractors, is not disseminated within LG&E and KU

⁵ KRS 61.878(1)(m)(1)(f).

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 Commission has consistently granted confidential protection to similar information in previous cases.⁶

11. 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.

12. 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.⁷

13. In compliance with 807 KAR 5:001, Section 13, LG&E and KU are providing written notification that the responses to PSC 3-2, JI 3-1, JI 3-7(c)(ii), and SC 3-6 are confidential in full.

14. The Companies will upload the confidential information 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.

15. Due to the serious security concerns related to the disclosure of CEII, the Companies request that the CEII provided in response to JI 3-1 and SC 3-6 remain confidential indefinitely. For all other requests for confidential protection, the Companies request that

⁶ See, e.g., *Electronic 2018 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2018-00348, Order (Ky. PSC Nov. 16, 2018); *2014 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No. 2014-00131, Order (Ky. PSC Aug. 9, 2019).

⁷ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. Ct. App. 1982).

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: June 6, 2025

Respectfully submitted,



W. Duncan Crosby III
Stoll Keenon Ogden PLLC
400 West Market Street, Suite 2700
Louisville, Kentucky 40202
Telephone: (502) 333-6000
Fax : (502) 333-6099
duncan.crosby@skofirm.com

Allyson K. Sturgeon
Vice President and Deputy
General Counsel – Regulatory
Sara V. Judd
Senior Counsel
PPL Services Corporation
2701 Eastpoint Parkway
Louisville, Kentucky 40223
Telephone: (502) 627-2088
Fax: (502) 627-3367
ASturgeon@pplweb.com
SVJudd@pplweb.com

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

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 June 6, 2025; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

A handwritten signature in blue ink, appearing to read "A. B. Smith", is written above a horizontal line.

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