

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY AND LOUISVILLE GAS)	
AND ELECTRIC COMPANY FOR CERTIFICATES)	CASE NO.
OF PUBLIC CONVENIENCE AND NECESSITY)	2025-00045
AND SITE COMPATIBILITY CERTIFICATES)	

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 (the “Commission”) pursuant to 807 KAR 5:001, Section 13 and KRS 61.878 to grant confidential protection to the commercially sensitive information contained in Rebuttal Exhibit TAJ-1, which is being concurrently filed with this petition as an exhibit to the Rebuttal Testimony of Tim A. Jones.

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.¹ Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Rebuttal Exhibit TAJ-1 contains updated details of projects in the Companies’ economic development queue. The confidential information in Rebuttal Exhibit TAJ-1 includes

¹ KRS 61.878(1)(c)(1).

customer (and potential customer) names, details of those customers' potential expansions and projects, and the location of said expansions and projects. If this information is disclosed, competitors of the Companies' customers and potential customers would be able to review confidential expansion and construction plans to the possible detriment of the customers and potential customers. Public access to this information would also impact the Companies' ability to negotiate with prospective customers and could harm the Companies' ability to attract future economic development. The Commission has previously granted confidential treatment to commercially sensitive information from customers and prospective customers.² For these reasons, the Companies request confidential protection for Rebuttal Exhibit TAJ-1.

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

3. The Kentucky Open Records Act exempts from disclosure certain private and personal information.³ In addition to containing commercially sensitive information, Rebuttal Exhibit TAJ-1 also contains confidential personal information, including customer (and potential customer) names and proposed expansions and projects. The identification of specific customer data, including expansion and construction plans that may not be public, is personal information that should not be in the public domain. The Companies request through this petition that the Commission protect Rebuttal Exhibit TAJ-1 from public disclosure.

Confidential Information Subject to this Petition

4. The information for which the Companies are seeking confidential treatment is not known outside of LG&E and KU, its contractors, and the customers and potential customers who

² *Electronic Application of Kentucky Power Company for (1) a General Adjustment of its Rates for Electric Service; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) a Securitization Financing Order; and (5) All Other Required Approvals and Relief*, Case No. 2023-00159, Order (Ky. PSC Sep. 12, 2023) (granting confidential treatment to potential customer names, projected load, and other identifiers).

³ KRS 61.878(1)(a).

have shared this information, 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.

5. The Commission has consistently granted confidential protection to similar information in previous cases.⁴

6. 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.

7. 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.⁵

8. Because Rebuttal Exhibit TAJ-1 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. Pursuant to the Commission's March 24, 2020 and July 22, 2021 Orders in Case No. 2020-00085, the Companies will upload an 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.

9. Due to the sensitive nature of the confidential information at issue, the Companies request that confidential protection be granted for five years.

⁴ See, e.g., Case No. 2023-00159, Order (Ky. PSC Sep. 12, 2023).

⁵ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. Ct. App. 1982).

WHEREFORE, Louisville Gas and Electric Company and Kentucky Utilities Company respectfully request that the Commission grant confidential protection for the information described herein.

Dated: July 18, 2025

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001, Section 8 as modified by 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 July 18, 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 positioned above a horizontal line.

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