

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY AND LOUISVILLE GAS)	CASE NO.
AND ELECTRIC COMPANY FOR CERTIFICATES)	2025-00045
OF PUBLIC CONVENIENCE AND NECESSITY)	
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 for certain information included in the Companies’ supplemental response to Commission Staff’s Post Hearing Request for Information Item No. 18 (“PSC PHDR-18”).

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. The Companies’ response to PSC PHDR-18 includes the Companies’ executed Unit Reservation Agreement (“URA”) with GE for their proposed Mill Creek 6 natural gas combined cycle (“NGCC”) unit. Public disclosure would give the Companies’ contractors,

¹ KRS 61.878(1)(c)(1).

vendors, competitors, and customers access to the Companies' cost and operational parameters for generating units, and insight into the Companies' contracting practices. This information could adversely affect the Companies' generation asset procurement process. Higher procurement prices would lead to higher operating costs and would very likely harm the Companies' competitive position in the wholesale power market, both of which could increase costs for the Companies' customers. The Commission has recognized the confidential nature of commercially sensitive contract terms in previous cases.² For these reasons, the Companies request confidential protection for their response to PSC PHDR-18.

3. Additionally, public disclosure of the terms of the URA would reveal sensitive unit pricing information from GE, one of only three NGCC manufacturers currently in operation. Because the public disclosure of the terms of the Unit Reservation Agreement would reveal GE's commercially sensitive information, it could harm the Companies' ability to negotiate with GE for future generation asset purchases. Harming the Companies' ability to negotiate with one of the only three NGCC manufacturers could lead to an increase in generation asset prices. Higher generation asset costs could result in increased prices and harm the Companies' competitive position in the wholesale power market. All such commercial harms could ultimately harm LG&E's and KU's customers, who would have to pay higher rates if the disclosed information adversely affected the Companies' generation asset procurement process. Therefore, public disclosure of GE's commercially sensitive NGCC unit pricing creates a likelihood of commercial harm. The Commission has granted confidential protection to commercially sensitive pricing

² 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).

information from third party vendors in the past.³ For these reasons, the Companies request confidential protection for their supplemental response to PSC PHDR-18.

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 counterparties to the agreement, 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. 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.⁴

6. In compliance with 807 KAR 5:001, Section 13, LG&E and KU are providing written notification that the confidential materials provided as part of the Companies' supplemental response to PSC PHDR-18 are confidential in their entirety.

7. The Companies request that the information contained in the Companies' supplemental response to PSC PHDR-18 be kept confidential for at least five years from the date of this filing as that is the amount of time necessary before the confidential information becomes dated to the point that the need for protection no longer exists.

³ See, e.g. *Electronic Application of Duke Energy Kentucky, Inc. for a Certificate of Public Convenience and Necessity to Convert its Wet Flue Gas Desulfurization System from a Quicklime Reagent Process to a Limestone Reagent Process at its East Bend Generating Station and for Approval to Amend its Environmental Compliance Plan for Recovery by Environmental Surcharge Mechanism*, Case No. 2024-00152, Order (Ky. PSC Dec. 20, 2024).

⁴ *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: September 8, 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 September 8, 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. S. Smith", is written above a horizontal line.

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