

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, “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 as part of their supplemental response to Attorney General and Kentucky Industrial Utility Customers, Inc. (“AG-KIUC”) request for information No. AG-KIUC 3-3(b).

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.

Engineering Procurement and Construction Contract with Third Party

¹ KRS 61.878(1)(c)(1).

2. The Companies' response to AG-KIUC 3-3(b) includes their fully executed Engineering, Procurement, and Construction ("EPC") contract with a third party who has not yet initiated service, which is subject to a non-disclosure agreement. This contract includes cost estimates and specific performance terms that have not been public disclosed and are the result of negotiations between the Companies and the new customer. Public disclosure of this information would give the Companies' contractors and vendors access to the Companies' contracting practices and insight into the Companies' estimates of the costs and scope of the site-readiness work required to serve this new customer. Public disclosure is therefore likely to impact the Companies' ability to negotiate fairly with prospective contractors and vendors, which would increase capital costs and harm the Companies' competitive position in the wholesale power market. Further, public disclosure would give the Companies' competitors insights into the Companies' negotiation process and gain an unfair commercial advantage in attracting the Companies' prospective customers to the Companies' competitors' service territories.

3. All such commercial harms would ultimately harm LG&E's and KU's customers, who may have to pay higher rates if the disclosed information increases the Companies' costs or impairs the Companies' efforts to attract new customers. The Commission has granted confidential protection to similar information in the past.²

² See the *Application of Louisville Gas and Electric Company for an Order Authorizing the Issuance of Securities and the Assumption of Obligations*, Case No. 2008-00428, Order at 2-3 (Ky. PSC Oct. 21, 2008) (granting confidential treatment to an EPC contract); *Electronic Application of Big Rivers Electric Corporation for a Certificate of Public Convenience and Necessity Authorizing Construction of a New Headquarters Facility and an Order Authorizing Big Rivers to Sell Its Existing Headquarters Facility*, Case No. 2021-00314, Order at 3-4, 8 (Ky. PSC Sep. 27, 2022) (granting confidential treatment to expected costs and EPC information); *An Examination by the Public Service Commission of the Application of the Fuel Adjustment Clause of East Kentucky Power Cooperative, Inc. From November 1, 1995 to April 30, 1996*; and *Examination by the Public Service Commission of the Application of the Fuel Adjustment Clause of East Kentucky Power Cooperative, Inc. From November 1, 1994 to October 31, 1996*, Case Nos. 94-459-C, 96-522, Order (Ky. PSC May 29, 1997) (providing confidential treatment to commercial information that competitors could use in negotiations with prospective customers).

4. For these reasons, the Companies request that the Commission grant confidential protection to the executed EPC contract being produced as part of the Companies' supplemental response to AG-KIUC 3-3(b).

Confidential Information Subject to this Petition

5. The information for which the Companies are seeking confidential treatment is not known outside of LG&E and KU, its contractors, and the countersigning parties; 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.

6. The Commission has consistently granted confidential protection to similar information in previous cases.³

7. 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.

8. 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 about this matter.⁴

9. In compliance with 807 KAR 5:001, Section 13, LG&E and KU are providing written notification that the attachment to the Companies' supplemental response to AG-KIUC Item No. 3-3(b) is confidential in full.

³ See, e.g., Case No. 2008-00428, Order (Ky. PSC Oct. 21, 2008); Case No. 2021-00341, Order (Ky. PSC Sep. 28, 2022); Case Nos. 94-459-C, 96,522, Order (Ky. PSC May 29, 1997).

⁴ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. Ct. App. 1982).

10. 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.

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

Dated: September 17, 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 September 17, 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*