

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF	)	
KENTUCKY UTILITIES COMPANY FOR	)	
AN ADJUSTMENT OF ITS ELECTRIC	)	CASE NO. 2025-00113
RATES AND APPROVAL OF CERTAIN	)	
REGULATORY AND ACCOUNTING	)	
TREATMENTS	)	

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU” or the “Company”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1) to grant confidential protection for the items described herein, which KU is providing as Rebuttal Exhibit HDM-3 to the Rebuttal Testimony of Heather D. Metts.

Confidential or Proprietary Commercial Information (KRS 61.878(1)(c)(1))

1. The Kentucky Open Records Act exempts from disclosure information “generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”¹

2. As part of the Rebuttal Testimony of KU witness Heather D. Metts, the Company is producing a purchasing contract for hydrated lime. The Company uses hydrated lime in the Dry Sorbent Injection (“DSI”) system to remove acid gases from the flue-gas of the Company’s coal-fired generation units. These DSI systems are necessary to ensure the Company complies with environmental standards. Rebuttal Exhibit HDM-3 is a copy of a purchase contract between KU and a hydrated lime supplier containing price details and other contract terms that are not publicly

¹ KRS 61.878(1)(c)(1).

disclosed and are not circulated within the Company beyond employees and contractors who have a need for this information. Because the hydrated lime market consists of only a handful of vendors and because hydrated lime is essential to the continued operation of its coal-fired generating units, the Company is requesting that the Commission grant confidential treatment to Rebuttal Exhibit HDM-3 in its entirety.

3. Public disclosure of Rebuttal Exhibit HDM-3 could reveal the Company's commodity price expectations for a chemical that is essential to meeting environmental standards. If disclosed, the contract prices could establish a specific price floor for future negotiations with other hydrated lime suppliers, which would likely increase the Company's operating costs. All such commercial harms would ultimately harm KU's customers, who would have to pay higher rates if the disclosed information resulted in higher operating costs or adversely affected the Company's off-system energy sales. The Commission has previously granted requests to protect similar commodity pricing information from public disclosure.²

4. In addition to the adverse effects of disclosing pricing information, public disclosure of any of the terms of the contract provided in Rebuttal Exhibit HDM-3 could significantly disadvantage the Company in future purchase contract negotiations. The Company's hydrated lime purchase contracts are extensively negotiated, and the parties invest considerable time and resources into devising pricing discounts and purchase conditions that are unique to each contract. The hydrated lime market is heavily concentrated among only a handful of vendors, meaning that the public disclosure of these heavily negotiated discounts and purchasing terms

² See, e.g. *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 Generation Unit Retirements*, Case No. 2022-00402, Order (Ky. PSC Aug. 17, 2023); Case No. 2022-00402, Order (Ky. PSC Aug. 31, 2023); Case No. 2022-00402, Order (Ky. PSC Nov. 20, 2023).

could create a significant disadvantage for the Company in future purchasing negotiations. This disadvantage would likely increase operating costs and harm the Company's position in the wholesale power market. All such commercial harms would ultimately harm KU's customers, who would have to pay higher rates if the disclosed information resulted in higher operating costs or adversely affected the Company's off-system energy sales.

5. For these reasons, the Company respectfully requests that the Commission grant confidential treatment to Rebuttal Exhibit HDM-3 in its entirety.

The Confidential Information Subject to This Petition

6. The information for which KU is seeking confidential treatment is not known outside of KU, except for its counsel and vendors. It is not disseminated within KU except to those employees with a legitimate business need to know the information and is generally recognized as confidential and proprietary information in the energy industry.

7. KU will disclose the confidential information, pursuant to a confidentiality agreement, to intervenors with a legitimate interest in this 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 KU's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision regarding this matter.³

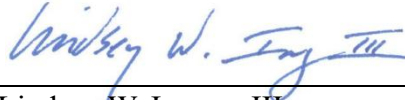
9. In compliance with 807 KAR 5:001, Section 13, KU is providing written notification that Rebuttal Exhibit HDM-3 is confidential in full.

10. KU requests that the information contained in Exhibit HDM-3 be kept confidential for at least five years from the date of this filing.

³ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

Dated: September 30, 2025

Respectfully submitted,



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CERTIFICATE OF SERVICE

In accordance 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 30, 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, reading "Lindsey W. Engle".

Counsel for Kentucky Utilities Company