

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
KENTUCKY UTILITIES COMPANY FOR)	
AN ADJUSTMENT OF ITS ELECTRIC)	
RATES AND APPROVAL OF CERTAIN)	CASE NO. 2025-00113
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 producing in response to requests for information from Commission Staff (“PSC”); the Attorney General and Kentucky Industrial Utility Customers, LLC (“AG-KIUC”); The Kentucky Solar Industries Association (“KYSEIA”); Lexington-Fayette Urban County Government (“LFUCG”); The United States Department of Defense and all other Federal Executive Agencies (“DOD”); and Kentuckians for the Commonwealth, Mountain Association, and Kentucky Solar Energy Society (collectively, “Joint Intervenors” or “JI”).¹

Confidential Information Protected from Disclosure
by Federal Law (KRS 61.878(1)(k))

Federal Tax Forms

1. JI 1-90 asks KU to provide IRS Form 990 for the LG&E and KU Foundation. Tax related documents and information merit confidential protection. KRS 61.878(1)(k) exempts from disclosure “[a]ll public records or information the disclosure of which is prohibited by federal law

¹ The confidential information contained in particular items and exhibits, the statutory basis for confidentiality, and the extent of confidentiality (partial or entire) are listed in the document included herewith as **Attachment A**.

or regulation.”² Under 26 U.S.C. § 6103(a), state officials are prohibited from publicly disclosing any federal income tax return or its contents. Therefore, federal income tax returns and their content fall within the KRS 61.878(1)(k) exemption from public disclosure. The Commission has previously kept KU’s federal and state income tax returns and supporting schedules and documents confidential in base rate cases.³ Because KU’s response to JI 1-90 contains federal tax returns for the LG&E and KU Foundation, and such information is of a confidential nature, the Commission should grant confidential protection to this information.

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

2. The Kentucky Open Records Act exempts from disclosure certain private and personal information.⁴ KU is providing certain documents in response to PSC 2-32 and LFUCG 1-40(a). Customer identifying information is included in these documents, and KU therefore respectfully requests that the Commission grant these items confidential treatment.

3. The attachment provided in response to LFUCG 1-40(a) contains the names, account numbers, and other major account information, which identifies all LFUCG accounts. The identification of specific customers is personal information that should not be placed in the public domain. The Commission previously granted confidential protection to customer identifying information of this kind,⁵ including similar information contained in the Company’s last

² KRS 61.878(1)(k).

³ See, e.g., *Electronic Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, Case No. 2018-00294, Order (Ky. PSC Dec. 7, 2021); *Electronic Application of Louisville Gas and Electric Company for an Adjustment of Its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, Order (Ky. PSC Dec. 7, 2021). *Its Electric and Gas Rates*, Case No. 2018-00295, Order (Ky. PSC Oct. 8, 2019).

⁴ KRS 61.878(1)(a).

⁵ *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*

application for rate adjustment.⁶ Therefore, KU requests through this petition that the Commission protect the attachment from public disclosure in its entirety.

4. The attachments to PSC 2-32 contain identifying information about customers and potential customers who have approached KU and Louisville Gas and Electric Company (collectively, the “Companies”) regarding projects in the Companies’ service territories, as well as the status of these projects and the expected MW for these projects. Public disclosure of this customer information would directly identify potential customers and potentially undercut their discussions with the Companies and their efforts to attract economic development to its service area. 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.

5. For the foregoing reasons, the Companies respectfully request confidential treatment for the customer identifying information contained in PSC 2-32 and LFUCG 1-40(a).

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

6. 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.”⁷

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).

⁶ *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, Case No. 2020-00349, Order at 5 (Ky. PSC Dec. 7, 2021).

⁷ KRS 61.878(1)(c)(1).

Special Contract Terms

7. The Company's response to KYSEIA 1-17 contains commercially sensitive terms from KU's special contracts with customers, which constitute sensitive financial information meriting confidential treatment. These special contract terms are the product of extensive negotiations with the customer. Specifically, the negotiated terms contained in the special contract are a product of numerous factors unique to each customer, including the expected load profile of the project, variable cost coverage and contribution to fixed costs, and the size of the load.

8. The special contract terms are commercially sensitive and public disclosure of this information would impair KU's ability to negotiate future customer contracts. If disclosed, KU anticipates the special contract terms would establish a specific target for future negotiations with other industrial and commercial enterprises looking to locate in KU's service territory. That data point could impair KU's ability to negotiate future contracts on terms that are advantageous to the Company's other customers. The Commission has regularly granted confidential protection of special contract rate information to prevent other customers of a utility—both new and existing—from gaining unfair commercial advantage in future negotiations with the utility.⁸

Fuel Price Expectations and LTSA Cost Estimates

9. The attachment to AG-KIUC 1-31 contains projections of what the Company expects to pay and receive for commodities they buy and sell like fuel. If the Commission grants public access to this information, KU could be disadvantaged in negotiating contracts to buy or sell these commodities in the future. The Company could also be disadvantaged in the wholesale

⁸ *Electronic Application of Kentucky Utilities Company for Approval of Special Contract Between Kentucky Utilities Company and BlueOval SK, LLC*, Case No. 2023-00123, Order (Ky. PSC Nov. 3, 2023). See also *Electronic Application of Kentucky Power Company for Approval of a Contract for Electric Service with Braidy Industries, Inc.*, Case No. 2018-00418, Order at 2 (Ky. PSC Aug. 20, 2019) (granting confidential protection of the rate contained in a special contract where “public disclosure of the contract rate would result in unfair commercial injury to Kentucky Power by establishing a ceiling for future negotiations with industrial and commercial enterprises looking to locate in the company's service territory”).

energy market because fuel costs are important components of energy pricing. All such commercial harms would ultimately harm KU's customers, who would have to pay higher rates if the disclosed information resulted in higher fuel prices or adversely affected the Company's off-system energy sales. The Commission has previously granted requests to protect this information from public disclosure.⁹

10. The attachment to AG-KIUC 1-31 also contains Company assumptions about construction costs, vendor names, and cost components of long-term service agreements ("LTSA's"). Public disclosure of this information would reveal the procedures followed and the factors and inputs considered by the Company in evaluating the viability of possible generation projects. Public disclosure would give the Company's contractors, vendors, and competitors access to the Company's cost and operational parameters, and insight into the Company's contracting practices. Public access to this information would impact the Company's ability to negotiate with prospective contractors and vendors, and could harm the Company's competitive 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 adversely impacted the Company's ability to negotiate favorable LTSA terms. For these reasons, KU respectfully requests confidential treatment for its attachment to AG-KIUC 1-31.

Request for Proposal Response Data and Evaluation Criteria

11. The attachments to KU's responses to AG-KIUC 1-31, PSC 2-65(b), and PSC 2-65(d)-(e) contain confidential response data obtained from respondents to the Company's requests for proposals ("RFPs"), as well as the Company's evaluation criteria for its Customer Information System ("CIS") software and Enterprise Resource Planning ("ERP") software RFPs.

⁹ See, e.g., 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).

12. Confidential protection of RFP responses is necessary because disclosure would disrupt the competitive bid process. Public disclosure would place the Company at a considerable disadvantage when negotiating future contracts, which could lead to higher procurement and operating costs that would ultimately disadvantage the Company in the wholesale energy market. Furthermore, public disclosure of the Company's CIS and ERP bid evaluations would provide potential vendors, contractors, and competitors with insight into the Company's evaluation of bids to the detriment of the Company and its ratepayers. Public disclosure of this information would create precisely the kind of competitive harm KRS 61.878(1)(c)(1) intends to prevent. The Commission has previously granted requests to protect this information from public disclosure.¹⁰ Therefore, the Companies respectfully request confidential treatment for AG-KIUC 1-31, PSC 2-65(b), and PSC 2-65(d)-(e).

Commercially Sensitive Customer Information

13. KU's attachments to PSC 2-32 contain details of projects in the Company's economic development queue. The confidential information includes 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 Company's 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 Company's ability to negotiate with prospective

¹⁰ 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).

customers and could harm the Company's ability to attract future economic development. For these reasons, KU requests confidential protection for the attachments to PSC 2-32.

Proprietary Information and Reports from Third Parties

14. The attachments being provided as part of the Company's responses to LFUCG 1-54(d) contain proprietary information, data, and analysis obtained from third parties, the public disclosure of which could result in long term harm to the Company's position in the competitive energy market.

15. The attachment to LFUCG 1-54(d) includes figures obtained from the Edison Electric Institute ("EEI"), an association representing investor owned electric utilities in the U.S. and internationally. The figures display information that was the product of surveys completed by EEI membership under a non-disclosure agreement and, if publicly disclosed, would provide insights into both EEI and its members survey results and long-term energy planning discussions. Additionally, revealing information that is subject to non-disclosure agreements will make third parties such as EEI reluctant to share critical information and insights with the Company.

16. Diminishing the Company's ability to receive this information would harm both the Company and its customers. This information should therefore be afforded confidential protection to protect the Company and its customers. The Commission has previously granted requests to protect this information from public disclosure.¹¹ For these reasons, KU respectfully requests confidential treatment for its response to LFUCG 1-54(d).

Confidential Financial Projections

¹¹ See, e.g., *Electronic Application of Duke Energy Kentucky, Inc. for an Adjustment to Rider NM Rates and for Tariff Approval*, Case No. 2023-00413, Order at 3, 12-13 (Ky. PSC May 17, 2024) (granting confidential protection to proprietary third party reports and information); Case No. 2022-00402, Order (Ky. PSC Aug. 31, 2023); Case No. 2022-00402, Order (Ky. PSC Nov. 20, 2023).

17. The presentations attached to the Company's response to DOD 1-6 include financial projections for the PPL's operations in Pennsylvania and Rhode Island that were provided to credit and equity analysts. This information was developed internally by PPL personnel, is not on file with any public agency, and is distributed within the Companies and third parties only to those who must have access for business reasons. Because disclosing this information could disadvantage PPL and the Companies, the Company respectfully requests confidential treatment for the identified confidential information in DOD 1-6.

Internally Developed Company Training Materials

18. In response to JI 1-32, the Company is producing internal training materials for its customer service staff. These materials, developed at Company expense, provide insights into the Company's approach to payment deferrals, ways that the Company discusses deferral plans with interested customers, and criteria for different deferral payment programs. If disclosed, these materials would be a valuable resource for competitors in developing or modifying their own training programs. The Commission has previously granted internally developed training materials confidential treatment.¹²

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

19. 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,

¹² See, e.g. *The Provision of Operator Services by Americall Systems of Louisville*, Case No. 89-132, Order (April 11, 1990).

or security of critical systems,” or “detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems.”¹³

20. The workpapers KU is producing in response to KYSEIA 1-14 contain detailed transmission information, including detailed voltage information, information related to system stability, and anticipated generation needs. If such information is made available in the public record, individuals seeking to induce public harm may be able to discover security vulnerabilities in the Company’s critical technology systems. Disclosure of this information has a reasonable likelihood of threatening public safety by exposing a vulnerability in the transmission system. The Commission has granted confidential treatment to similar sensitive transmission data in the past.¹⁴

21. In response to AG-KIUC 1-22, KU is providing detail project specifications for portions of the Company’s transmission system which, if publicly disclosed, could expose vulnerabilities in the Company’s transmission system and, therefore, would have a reasonable likelihood of threatening public safety.

22. For these reasons, the Company respectfully requests confidential treatment of the documents and workpapers attached to AG-KIUC 1-22 and KYSEIA 1-14.

The Confidential Information Subject to This Petition

23. 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.

¹³ KRS 61.878(1)(m)(1)(f).

¹⁴ See e.g. *Electronic Investigation of Louisville Gas and Electric Company and Kentucky Utilities Company Service Related to Winter Storm Elliott*, Case No. 2023-00422, Order (Ky. PSC June 5, 2025).

24. 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.

25. 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 with regard to this matter.¹⁵

26. In compliance with 807 KAR 5:001, Section 13, KU is providing written notification that the confidential materials produced in response to AG-KIUC 1-31, KYSEIA 1-14, LFUCG 1-40(a), LFUCG 1-54(d), PSC 2-65(b), PSC 2-65(d)-(e), JI 1-32, and JI 1-90 are confidential in full.

27. For the confidential materials produced as part of the Company's responses to PSC 2-32, AG-KIUC 1-22, DOD 1-6, and KYSEIA 1-17, which are not entirely confidential, KU is 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, KU will upload the unredacted copies 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.

28. Due to the serious security concerns related to the disclosure of CEII, the Company requests that the CEII provided in response to AG-KIUC 1-22 and KYSEIA 1-14 remain confidential indefinitely. Due to the personally sensitive nature of customer-identifying

¹⁵ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

information, the Companies request that the personal information provided in the responses to LFUCG 1-40(a) remain confidential indefinitely. For all other requests for confidential protection, KU requests that the information 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.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: July 16, 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 July 16, 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

ATTACHMENT A

Confidential Information

<i>Confidential Information</i>	<i>Source of Claim</i>	<i>Partially or Entirely?</i>
<u>Response to Commission Staff's Second Request for Information</u>		
PSC 2-32 – Customer Identifying Information; Commercially Sensitive Customer Information	KRS 61.878(1)(a) KRS 61.878(1)(c)(1)	Partially
PSC 2-65(b) and (d)-(e): IT RFP Documentation	KRS 61.878(1)(c)(1)	Entirely
<u>Response to Joint Intervenors' First Request for Information</u>		
JI 1-32 – Proprietary Company Training Information	KRS 61.878(1)(c)(1)	Entirely
JI 1-90 – IRS Form 990	KRS 61.878(1)(k)	Entirely
<u>Response to DOD's First Request for Information</u>		
DOD 1-6 – Financial Projections	KRS 61.878(1)(c)(1)	Partially
<u>Response to AG-KIUC's First Request for Information</u>		
AG-KIUC 1-22 –CEII Transmission Diagram	KRS 61.878(1)(m)	Partially
AG-KIUC 1-31 – Resource Screening Model	KRS 61.878(1)(c)(1)	Entirely
<u>Response to LFUCG's First Request for Information</u>		
LFUCG 1-40(a) – LFUCG Account List	KRS 61.878(1)(a)	Entirely
LFUCG 54(d) – Third Party Data	KRS 61.878(1)(c)(1)	Entirely
<u>Response to KYSEIA's First Request for Information</u>		
KYSEIA 1-14 – BJM-3 Workpapers	KRS 61.878(1)(m)	Entirely
KYSEIA 1-17 – Special Contract Details	KRS 61.878(1)(c)(1)	Partially