

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)	

In the Matter of:

ELECTRONIC APPLICATION OF)	
LOUISVILLE GAS AND ELECTRIC)	
COMPANY FOR AN ADJUSTMENT OF ITS)	
ELECTRIC AND GAS RATES, AND)	CASE NO. 2025-00114
APPROVAL OF CERTAIN REGULATORY)	
AND ACCOUNTING TREATMENTS)	

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 to grant confidential protection for the preliminary full customer notices the Companies are providing as Exhibit A to their Renewed Motion for Deviation. In support of this Joint Petition, the Companies state as follows:

Preliminary Information — KRS 61.878(1)(i), (j)

1. The Kentucky Open Records Act exempts from disclosure “[p]reliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency,”¹ and “[p]reliminary recommendations, and

¹ KRS 61.878(1)(i).

preliminary memoranda in which opinions are expressed or policies formulated or recommended.”² Exhibit A includes preliminary information that should be protected from public disclosure for the reasons set forth below.

2. On April 7, 2025, the Companies filed a Motion to Deviate that sought, in relevant part, approval to publish an abbreviated customer notice. On April 21, 2025, the Commission issued an Order denying the April 7, 2025 Motion to Deviate. The Commission stated that “review of the full notice is necessary in order to determine whether the abbreviated notice meets all of the requirements.”³ To allow the Commission to review the full notices as it requested, the Companies are including as Exhibit A to their concurrently filed Renewed Motion for Deviation the current version of the full notices the Companies intend to provide for their base rate cases to be filed on or after May 30, 2025.

3. The full notices provided in Exhibit A are preliminary; although the Companies are not currently aware of any significant changes they will make to the notices, the notices may change as the Companies finalize their filings. Particularly, the notices represent the Companies’ current plans for tariff changes, which reflect the Companies’ preliminary expressions and recommendations, and there are placeholders for proposed rates, which the Companies are still developing. Accordingly, the notices are preliminary drafts and recommendations entitled to confidential protection pursuant to KRS 61.878(1)(i) and (j).

4. The Commission recently held that similar preliminary information merited confidential protection under KRS 61.878(1)(i) and (j). In Case No. 2023-00413, the utility requested protection for information the utility provided regarding its upcoming IRP that was still

² KRS 61.878(1)(j).

³ April 21, 2025 Order at 9.

being developed.⁴ The utility “argued that the public disclosure of the information would reveal a preliminary draft and/or preliminary memorandum interim forecast, which will be subject to further validation and change, and may differ from what is ultimately submitted in the next IRP proceeding.”⁵ Finding that the information was “related to [the utility’s] next IRP filing, is still preliminary, and not finalized at this time,” the Commission held the information was entitled to confidential protection pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(i) and (j).⁶

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, their consultants with a need to know the information, and the Companies’ counsel, 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 previously granted confidential protection for similar information.

7. The Companies 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 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.⁷

⁴ *Electronic Application of Duke Energy Kentucky, Inc. for an Adjustment to Rider NM Rates and for Tariff Approval*, Case No. 2023-00413, Order (Ky. PSC May 17, 2024).

⁵ *Id.* at 11-12.

⁶ *Id.* at 12.

⁷ *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

9. Pursuant to 807 KAR 5:001, Section 13(2)(b), the Companies are providing written notification that the entire Exhibit A is confidential.

10. In accordance with the Commission's March 24, 2020 and July 22, 2021 Orders in Case No. 2020-00085, the Companies are providing the confidential Exhibit A to their 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.

11. To avoid customer confusion, the Companies request that Exhibit A remain confidential until the conclusion of these proceedings. As the Companies explained, the notices are preliminary and may change prior to filing. If the customer notice(s) do change, the public availability of the preliminary notice may cause confusion for customers. As the purpose of the notice is to apprise customers of proposed rate increases and tariff changes, the public availability of the preliminary notices may undermine this purpose and confuse customers.

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

Dated: April 29, 2025

Respectfully submitted,



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*Counsel for Kentucky Utilities Company and
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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 April 29, 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. Foy III". The signature is fluid and cursive, with the last name "Foy" being particularly prominent.

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