

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)	

In the Matter of:

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

**JOINT PETITION OF KENTUCKY UTILITIES COMPANY
AND LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) (collectively, the “Companies”) hereby petition the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1) to grant confidential protection for special contract demand data and formulas that the Companies are including as part of their response to Commission Staff’s (“PSC”) second rehearing request for information Item No. 6 (“PSC Item No. 6”).

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. The Companies are requesting confidential protection for the proprietary information included in KU’s updated Schedule M, which the Companies are providing as Attachment 1 to their response to PSC Item No. 6.

3. Attachment 1 to the Companies’ response to PSC Item No. 6 is an Excel file containing updates to revenue calculations in Schedule M of the KU’s Rate Case Application, as well as the formulas used to calculate said revenues. These revenue calculations have been adjusted to illustrate how the Commission could have adjusted approved rates to properly account for changes in miscellaneous revenues and achieve the total approved revenue increase.

4. KU’s updated Schedule M contains special contract demand rates, which constitute sensitive financial information meriting confidential treatment. The special contract demand rates are the product of extensive negotiations between KU and the customer. Specifically, the negotiated demand rates contained in the special contract are a product of numerous factors unique to this customer, including the expected load profile of the project, variable cost coverage and contribution to fixed costs, and the project’s load size.

5. The special contract information is commercially sensitive and public disclosure of this information would impair the Companies’ ability to negotiate future customer contracts. If disclosed, the Companies anticipate that the special contract rates would establish a specific target for future negotiations with other industrial and commercial enterprises looking to locate in the

¹ KRS 61.878(1)(c)(1).

Companies' service territory. That data point could impair the Companies' ability to negotiate future contracts on terms that are advantageous to the Companies' other customers, which would ultimately harm the Companies' larger customer base.

6. The Commission has routinely 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.² Additionally, the Commission has previously granted confidential treatment for the specific special contract demand data for which the Companies seek confidential protection.³

7. Due to the nature of how data flows through the Excel file, redacting the special contract demand data would distort the entirety of Attachment 1. The Companies are therefore requesting that Attachment 1 to their response to PSC Item No. 6 be held entirely confidential.

8. For the foregoing reasons and consistent with prior Commission orders, the Companies request that Attachment 1 to the Companies' response to PSC Item No. 6 receive confidential treatment in its entirety.

The Confidential Information Subject to This Petition

9. The information for which the Companies are seeking confidential treatment is not known outside of the Companies, their counsel and the customer. It is not disseminated within the Companies 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.

² *E.g., 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”).

³ *Electronic Application of Kentucky Utilities Company for Approval of Special Contract Between Kentucky Utilities Company and BlueOval SK, LLC*, Case No. 2023-00123, Order at 3-5 (Ky. PSC Nov. 3, 2023).

10. 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.

11. 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

12. In compliance with 807 KAR 5:001, Section 13, the Companies are providing written notification that Attachment 1 to the Companies response to PSC Item No. 6 is confidential in full.

13. Consistent with the Commission's November 3, 2023 Order in Case No. 2023-00123, the Companies request that the confidential information remain confidential for at least five years from the effective date of the special contract at issue, as that is the amount of time necessary before the confidential information becomes dated to the point that the need for protection will no longer exist.⁵

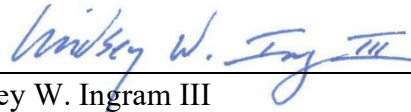
WHEREFORE, Kentucky Utilities Company and Louisville Gas and Electric Company respectfully request that the Commission grant confidential protection for the information described herein.

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

⁵ Case No. 2023-00123, Order at 3-5 (Ky. PSC Nov. 3, 2023).

Dated: May 22, 2026

Respectfully submitted,



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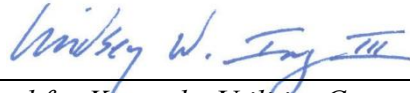
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CERTIFICATE OF SERVICE

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 May 22, 2026; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



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