

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

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

**PETITION OF LOUISVILLE GAS AND ELECTRIC  
FOR CONFIDENTIAL PROTECTION**

Louisville Gas and Electric Company (“LG&E” 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 LG&E is producing in response to requests for information from Commission Staff (“PSC”) Item Nos. 58 and 60, and the Attorney General and Kentucky Industrial Utility Customers, LLC (“AG-KIUC”) Item Nos. 19(e), 46(b) and 51(e).

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

1. The Kentucky Open Records Act exempts from disclosure certain private and personal information.<sup>1</sup> LG&E is providing a document in response to PSC 3-58 that reveals the names and loads of individual substations that it operates and LG&E therefore respectfully requests that the Commission grant it confidential treatment.

2. The attachment provided in response to PSC 3-58 includes the names and loads of substations throughout the Company’s service territory. Some of these substations are used to deliver energy to a single large load customer, including some that are named after individual

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<sup>1</sup> KRS 61.878(1)(a).

customers. Public disclosure of these substations' names and load needs, therefore, would reveal the names and load requirements of individual LG&E customers. The identification of specific customers is personal information that should not be placed in the public domain. The Commission previously granted confidential protection to similar information.<sup>2</sup> Because the attachment identifies specific customers and their individualized load requirements, LG&E requests through this petition that the Commission protect the information contained in the attachment to PSC 3-58 from public disclosure.

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

3. 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.”<sup>3</sup>

***Commercially Sensitive Customer Load Information***

4. LG&E's attachment to PSC 3-58 details the load requirements and other usage information of individual customers that the Company serves. If this information is disclosed,

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<sup>2</sup> *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); *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 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).

<sup>3</sup> KRS 61.878(1)(c)(1).

these customers' load and energy usage information would be available to their competitors. Because energy usage is an important component of pricing for large load customers, disclosure could be detrimental to these customers' market position. In addition, the public disclosure of customer load information would harm the Company's ability to attract other large load customers to its service territory and, therefore, could harm the Company's ability to attract future economic development. The Commission has previously granted confidential treatment to commercially sensitive customer load information.<sup>4</sup> For these reasons, the Company requests confidential protection for the document provided in response to PSC 3-58.

### ***Fuel Price Expectations***

5. The attachment to AG-KIUC 2-51(e) is a zip file, which contains the Company's projected generation costs for its units, including heat rates, fuel cost projections, and expected energy outputs. This information was an important input for the modeling conducted as part of the Company's 2024 Integrated Resource Plan and 2025 Certificate of Public Convenience and Necessity Application. If the Commission grants public access to these projected fuel prices and the amount of fuel the Company expects to procure during certain years, LG&E could be disadvantaged in negotiating fuel purchases in the future.

6. If the projected fuel costs used in the Company's modeling is publicly disclosed, the Company could also be disadvantaged in the wholesale energy market because fuel costs are important components of energy pricing. All such commercial harms would ultimately harm LG&E'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

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<sup>4</sup> See e.g. *Electronic Application of East Kentucky Power Cooperative, Inc. for a General Adjustment of Rates, Approval of Depreciation Study, Amortization of Certain Regulatory Assets, and other General Relief*, Case No. 2021-00103, Order (Ky. PSC Sep. 10, 2021) (finding that individual customer load and energy information was confidential commercial information).

has previously granted requests to protect this information from public disclosure.<sup>5</sup> For these reasons, LG&E respectfully requests confidential treatment for its attachment to AG-KIUC 2-51(e).

***Accounting Memoranda for Long Term Service Agreements***

7. The attachments to AG-KIUC 2-46(b) are accounting memoranda which include sensitive terms and price information included in confidential long term service agreements. Public disclosure of this information would reveal the Company's internal accounting methodologies, as well as 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 accounting processes, 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 LG&E'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, LG&E respectfully requests confidential treatment for its attachments to AG-KIUC 2-46(b).

***Proprietary Financial Projections and Reports from Third Parties***

8. The attachment provided in the Company's response to AG-KIUC 2-19(e) is a portion of the Expected Return on Assets Analysis report prepared by Goldman Sachs Asset Management ("GSAM") for internal use by PPL. The information contained in GSAM's report is

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<sup>5</sup> 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 Generating Unit Retirements*, Case No. 2022-00402, Orders (Ky. PSC Aug. 17, 2023, Aug. 31, 2023, and Nov. 20, 2023).

not widely circulated within PPL or the Company and was prepared solely for PPL based on the asset allocations in PPL's Master Trust Portfolio. As a player in a competitive market, GSAM closely guards its proprietary analyses and projections from competitors and prospective customers. If this proprietary information is disclosed, GSAM and other third-party suppliers may be less willing to supply reports to PPL in the future, which is likely to harm PPL's long-term financial planning capabilities. Public disclosure of this information, therefore, would harm the Company and its customers. The Commission has granted confidential protection for sensitive third-party information and projections on similar grounds in the past.<sup>6</sup>

9. For these reasons, LG&E requests confidential protection for the attachment the Company is providing in response to AG-KIUC 2-19(e).

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

10. 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, or security of critical systems," or "detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems."<sup>7</sup>

11. In light of modern utilities' reliance on critical technology systems, the Commission has determined that disclosing information about utilities' technology infrastructure and cybersecurity protocols has a reasonable likelihood of exposing infrastructure vulnerabilities

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<sup>6</sup> 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, Orders (Ky. PSC Aug. 31, 2023 and Nov. 20, 2023).

<sup>7</sup> KRS 61.878(1)(m)(1)(f).

and threatening public safety and is therefore precisely the kind of material entitled to confidential protection under KRS 61.878(1)(m)(1).<sup>8</sup>

12. The attachment LG&E is providing in response to PSC 3-60 is an executive summary of third-party assessments of the Company's cybersecurity capabilities. The attachment evaluates multiple facets of the Company's cybersecurity capabilities, and specifically identifies vulnerabilities in the Company's IT infrastructure as well as process issues that could result in additional vulnerabilities under certain conditions. 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. Because of the sheer volume of attempted cyberattacks that the Company's IT infrastructure must prevent on a moment-to-moment basis, even high level discussion of the Company's cybersecurity vulnerabilities presents a very real likelihood of threatening public safety.<sup>9</sup> These threats can range from obtaining large quantities of confidential financial and personal information about the Company, its employees, and its customers to system-wide attacks that could disable or disrupt large portions of the Company's system.<sup>10</sup>

13. For these reasons, the Company respectfully requests confidential treatment of the documents and workpapers attached to PSC 3-60.

### **The Confidential Information Subject to This Petition**

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<sup>8</sup> See e.g. *Consideration of the Implementation of Smart Grid and Smart Meter Technologies*, Case No. 2012-00428, Order at 29 (Ky. PSC Apr. 13, 2016) ("Given the sensitivity of cybersecurity concerns, the utilities should be allowed to keep their procedures confidential."); *Electronic Investigation of the Operational Capacity and Infrastructure of Grayson Rural Electric Cooperative Corporation*, Case No. 2020-00018, Order at 2-3 (Ky. PSC Apr. 14, 2023) (granting confidential treatment to exhibits that "contain ample information necessary to create an opportunity to disrupt public utility critical technology systems via cyber-attack that could negatively impact the electric grid").

<sup>9</sup> See e.g. *PRC State-Sponsored Actors Compromise and Maintain Persistent Access to U.S. Critical Infrastructure*, Cybersecurity and Infrastructure Security Agency (Feb. 7, 2024), <https://www.cisa.gov/news-events/cybersecurity-advisories/aa24-038a> (Describing Volt Typhoon's successful infiltration of cybersecurity infrastructure).

<sup>10</sup> *Id.*

14. The information for which LG&E is seeking confidential treatment is not known outside of LG&E, except for its counsel and vendors. It is not disseminated within LG&E 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.

15. LG&E 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.

16. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect LG&E'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.<sup>11</sup>

17. In compliance with 807 KAR 5:001, Section 13, LG&E is providing written notification that the confidential materials produced in response to AG-KIUC 2-19(e), AG-KIUC 2-46(b), AG-KIUC 2-51(e), PSC 3-58, and PSC 3-60 are confidential in full.

18. Due to the serious security concerns related to the disclosure of CEII, the Company requests that the CEII provided in response to PSC 3-60 remain confidential indefinitely.

19. Due to the customer privacy interests involved in the disclosure of customer specific usage and load information, LG&E requests that the attachment provided in response to PSC 3-58 remain confidential indefinitely.

20. For all other requests for confidential protection, LG&E 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.

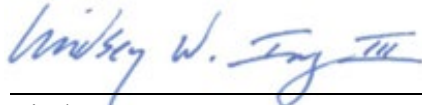
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<sup>11</sup> *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

**WHEREFORE**, Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: August 12, 2025

Respectfully submitted,



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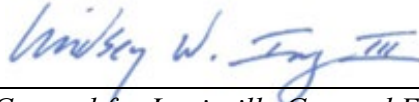
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### **CERTIFICATE OF SERVICE**

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 August 12, 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 "Lindsey W. Engle".

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*Counsel for Louisville Gas and Electric Company*