COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC MONITORING OF LOUISVILLE GAS AND ELECTRIC AND KENTUCKY UTILITIES COMPANY'S MILL CREEK 6 UNIT	))))	**CASE NO. 2025-00313**

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 certain information the Companies are providing in their supplemental response to Question 1 of Commission Staff's ("PSC") First Request for Information ("PSC Question No. 1).

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

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure commercially sensitive information to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission.[1] Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. The Companies are seeking confidential treatment of portions of the Power Island Purchase Agreement between LG&E and GE Vernova Operations, LLC ("GEVO") being provided in a supplemental response to PSC Question No. 1 ("Power Island Purchase

[1] KRS 61.878(1)(c)(1).

Agreement"). The attachment being provided consists of a fully executed contract that contains specifically negotiated terms and conditions, confidential supplier information, detailed specifications, project information, and pricing terms and therefore warrants confidential treatment under KRS 61.878(1)(c)(1)).[2] The terms and conditions of the Power Island Purchase Agreement are the result of extended confidential negotiations among the parties. One way public disclosure of the terms and conditions of the Power Island Purchase Agreement would place the Companies at an unfair competitive disadvantage is that prospective counterparties to similar agreements will be less likely to negotiate constructively with the Companies regarding terms and conditions and pricing knowing that such counterparties' compromises and concessions on such matters are likely to be made public for other prospective customers to see. A second way such public disclosure would unfairly commercially disadvantage the Companies is that prospective vendors bidding on projects would be able to unfairly manipulate their proposals and their clarifications and exceptions to the detriment of the Companies and their ratepayers by tailoring bids to correspond to and comport with the Companies' evaluation criteria and process and their risk tolerances, as revealed in publicly disclosed terms and conditions. This disadvantage has become more acute with the advent of artificial intelligence large language models that have greatly simplified efforts to locate and review a counterparty's prior agreements filed with public utility commissions and similar government bodies. Public disclosure of the Power Island Purchase Agreement without redactions would, therefore, likely harm KU's and LG&E's ability to negotiate competitive contracts for work related to capital projects in the future, which would ultimately result in higher costs for the Companies' customers.

[2] *Id*.

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

3. Critical energy infrastructure information 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, including public utility critical systems," including related "detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems."[3]

4. The power island that is the subject of the agreement being produced here is a public utility critical system. In addition to confidential commercial information, the Power Island Purchase Agreement includes proprietary and confidential information such as engineering and technical drawings and diagrams, and highly-detailed technical specifications regarding the power island. This includes detailed specifications and requirements for distributed control systems (DCS) and detailed instructions for naming specific components. Having ready access to such detailed information on publicly-available websites could aid nation-state actors, state-sponsored actors, terrorist organizations and other hostile actors in identifying vulnerabilities for the purpose of carrying out acts of sabotage or terrorism. Any resulting damage to or destruction of generating station facilities would risk interruption of electric service to the public and injury to persons or property at or near the generating station, to the detriment of public safety. Therefore, the Commission should grant this information confidential treatment under KRS 61.878(1)(m).[4]

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[3] KRS 61.878(1)(m)(1)(f).

[4] *Electronic Application of Big Rivers Electric Corporation for Approval to Issue Evidences of Indebtedness*, Order at 3-5 (Ky. PSC April 7, 2022) (recognizing that power plant schematics, diagrams, drawings, plans, and photographs of BREC's Wilson Station, Coleman Station, and Green Station; and detailed scope of work plans and technical specifications were confidential pursuant to KRS 61.878(1)(m) and (1)(c)(1)).

The Confidential Information Subject to This Petition

5. The information for which the Companies are seeking confidential treatment is not known outside of KU and LG&E, their counsel, necessary third parties, and GEVO, which, like the Companies, is contractually obligated to maintain confidentiality of the information. Such information 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.

6. 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.

7. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect KU's and LG&E's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision regarding this matter.[5]

8. As not all portions of the attachment are subject to confidential treatment based on the above-referenced exceptions to public disclosure under the Kentucky Open Records Act, the Companies are filing with the Commission one electronic copy that identifies with redactions the information for which confidential protection is sought. In accordance with the Commission's March 24, 2020 and July 22, 2021 Orders in Case No. 2020-00085, the Companies will upload the unredacted copies noting the confidential information with highlighting to an encrypted file-sharing site for the Commission's retrieval. Access to the encrypted file-sharing site will be provided to intervenors with a fully executed confidentiality agreement with the Companies.

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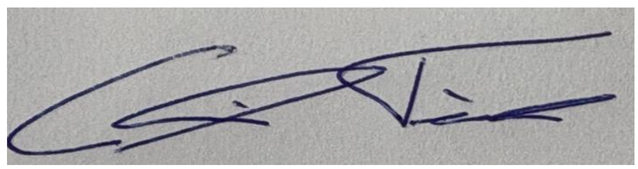
[5] *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.,* 642 S.W.2d 591, 592-94 (Ky. App. 1982).

9. Due to the security concerns related to the disclosure of the information, the Companies request that this information remain confidential indefinitely.

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

Dated September 3, 2026

Respectfully submitted,



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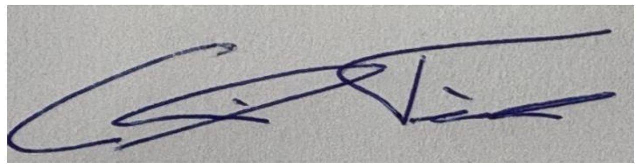
CERTIFICATE OF SERVICE

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 September 3, 2026; and that a true and accurate copy of this filing has been sent via U.S. Mail to Complainant at the address provided in the Amended Complaint.



Counsel for Kentucky Utilities Company and Louisville Gas and Electric Company