

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF THE)	
FUEL ADJUSTMENT CLAUSE OF KENTUCKY)	CASE NO.
UTILITIES COMPANY FROM NOVEMBER 1, 2022)	2025-00340
THROUGH OCTOBER 31, 2024)	

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU”), pursuant to 807 KAR 5:001, Section 13, respectfully petitions the Commission to classify as confidential and protect from public disclosure certain information provided by KU in response to Question Nos. 4 and 34 of the Commission Staff’s First Request for Information, as contained in the Appendix B to the Commission’s Order dated December 19, 2025. The information for which KU requests confidential treatment (“Confidential Information”) pertains to bid analysis information and planned maintenance generating unit outages. In support of this Motion, KU notes that the Commission has treated this information as confidential in KU’s recent six-month and two-year fuel adjustment clause review proceedings.

In further support of this Petition, KU states as follows:

1. Under the Kentucky Open Records Act, the Commission is entitled to withhold from public disclosure information confidentially disclosed to it to the extent that open disclosure would permit an unfair commercial advantage to competitors of the entity disclosing the information to the Commission. See KRS 61.878(l)(c). Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Disclosure of the factors underlying KU's bid analysis/selection process would damage KU's competitive position and business interests. This information reveals the business model KU uses -- the procedure it follows and the factors/inputs it considers -- in evaluating bids for coal supply. If the Commission grants public access to the information requested in Question No. 4, potential bidders could manipulate the bid solicitation process to the detriment of KU and its ratepayers by tailoring bids to correspond to and comport with KU's bidding criteria and process. As noted above, the Commission has treated such information as confidential in the past, including KU's most recent two-year fuel adjustment clause review proceeding¹.

3. A portion of KU's response to Question No. 34 regarding planned maintenance generating unit outages also contains sensitive commercial information, the disclosure of which would unfairly advantage KU's suppliers during periods when KU may need to purchase power. This information would allow suppliers of KU to know when KU's generating units will be down for maintenance, which is a crucial input for KU's generating costs and need for power during those periods. The commercial risk of the disclosure of this information is that potential suppliers will be able to manipulate the price of power bid to KU in order to maximize their revenues, thereby causing higher prices for KU's customers and giving a commercial advantage to KU's suppliers.

4. Further, disclosure of planned maintenance generating unit outage information will damage KU's competitive position and business interests with regard to wholesale power sales. The planned outage information provided in response to Question No. 34 regarding scheduled outages is highly sensitive information that, if made public, would enable prospective purchasers

¹ In the Matter of: *AN ELECTRONIC EXAMINATION OF THE APPLICATION OF THE FUEL ADJUSTMENT CLAUSE OF KENTUCKY UTILITIES COMPANY FROM NOVEMBER 1, 2020 THROUGH OCTOBER 31, 2022*, Case No. 2023-00010, Order of December 15, 2023

of KU's power supply and KU's competitors to manipulate the bidding process to the detriment of KU. Thus, disclosure of this information may detrimentally impact KU's ability to contract for off-system sales during the same time period. Any impairment of KU's ability to obtain fair prices for its power supply will decrease the price KU is paid for its power supply. As a result, KU will not get the same quality of offers that would be produced by a system protected by the confidentiality employed by unregulated business and KU will not be able to compete effectively for off-system sales. Because a portion of KU's response to Question No. 34 regards scheduled outages during the balance of this year (2026) and all of next year (2027), KU requests the applicable information contained in response to Question No. 34 be afforded confidential protection for a period of five years. The Commission has historically granted confidential protection to this type of information.²

5. The information for which KU is seeking confidential treatment is not known outside of KU, is not disseminated within 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. KU does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in this case.

² See also, In the Matter of: *AN ELECTRONIC EXAMINATION OF THE APPLICATION OF THE FUEL ADJUSTMENT CLAUSE OF KENTUCKY UTILITIES COMPANY FROM NOVEMBER 1, 2020 THROUGH OCTOBER 31, 2022*, Case No. 2023-00010, Order of December 15, 2023.

7. If the Commission disagrees with this request for confidential protection, however, 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.³

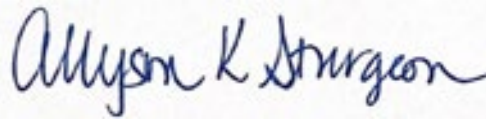
8. KU is filing with the Commission one electronic copy of the confidential document under seal. The document for Question No. 4 is marked to be held confidential in its entirety. For Question No. 34, the document identifies with yellow highlights the information for which confidential protection is sought. A redacted version of the document for Question No. 34 is included with the electronic filing in this proceeding.

³ Utility Regulatory Commission v. Kentucky Water Service Company, Inc., 642 S.W.2d 591, 592-94 (Ky. App. 1982).

WHEREFORE, Kentucky Utilities Company respectfully requests the Commission grant confidential protection to the information designated as confidential in response to Question Nos. 4 and 34 for a period of five years from the date of filing the same.

Dated: January 23, 2026

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

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 January 23, 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