

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF))
KENTUCKY UTILITIES COMPANY AND)) **CASE NO. 2026-00077**
LOUISVILLE GAS AND ELECTRIC))
COMPANY FOR APPROVAL OF MERGER))

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 (“LGE”), (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 the items described herein which the Companies are producing in response to Item No. 12(b) of the May 1, 2026 Second Request for Information from Commission Staff (“PSC”).

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. In response to PSC Item No. 2-12(b), the Companies are providing sensitive communications between the Companies and a financial institution regarding individualized loan terms and proposed interest rates for the Companies’ merger-related financings (the “Attachment”). These communications are part of ongoing negotiations between the Companies and the financial institution, and the proposed terms and rates are not final.

¹ KRS 61.878(1)(c)(1).

3. Disclosure of the terms and interest rates in these communications would harm the Companies' ability to negotiate terms and interest rates with other financial institutions. Public disclosure would give other financial institutions access to the Companies' proposed interest rates and individualized loan terms, which will adversely affect KU's and LGE's ability to effectively negotiate for competitive terms with these financial institutions. All such commercial harms would ultimately harm the Companies' customers, who will pay higher rates if the disclosed information results in higher interest rates or less favorable terms in future financing agreements. The Commission has previously granted confidential treatment to loan terms and interest rates that are part of ongoing financing negotiations.²

4. Additionally, disclosure the individualized and proprietary loan terms the financial institution is offering to the Companies could harm the financial institution's position in financing negotiations with other prospective borrowers. If this occurs, the financial institution may be reluctant to offer the Companies similarly competitive terms and rates in future negotiations. Disclosure would, therefore, likely harm KU's and LG&E's ability to negotiate competitive financing terms and interest rates in the future, which would ultimately result in higher costs for the Companies' customers. The Commission has previously granted confidential protection to proprietary loan terms and conditions in the past.³

5. For these reasons, the Companies respectfully request confidential treatment for the Attachment to their response to PSC Item No. 2-12(b).

² *Electronic Application of CitiPower, LLC for (1) an Adjustment of Rates Pursuant to 807 KAR 5:076; (2) Approval for a Certificate of Public Convenience and Necessity to Purchase Pipeline and Other Related Assets; and (3) Approval of Financing*, Case No. 2019-00109, Order at 3-4 (Ky. PSC Aug. 14, 2019) (Granting confidential treatment to a letter of interest containing proposed interest rates and financing terms because disclosure "would place Citipower at a disadvantage in attempting to obtain financing from other institutions in the event it is not able to reach an agreement with the financial institution that provided the Letter of Interest").

³ *Electronic Joint Application of American Electric Power Company, Inc., Kentucky Power Company and Liberty Utilities Co. for Approval of the Transfer of Ownership and Control of Kentucky Power Company*, Case No. 2021-00481, Order at 2 (Ky. PSC May 12, 2022).

The Confidential Information Subject to This Petition

6. The information for which the Companies are seeking confidential treatment is not known outside of KU and LGE, their counsel, and the financial institution. 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.

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 KU's and LGE's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision regarding this matter.⁴

9. In compliance with 807 KAR 5:001, Section 13, the Companies are providing written notification that the Attachment to their response to PSC Item No. 2-12(b) is confidential in full.

10. The Companies request 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.

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).

Dated: May 8, 2026

Respectfully submitted,



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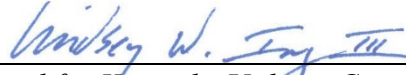
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CERTIFICATE OF SERVICE

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 8, 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*