

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JUN 26 2009

PUBLIC SERVICE
COMMISSION

In the Matter of:

**THE APPLICATION OF KENTUCKY UTILITIES)
COMPANY FOR CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY AND)
APPROVAL OF ITS 2009 COMPLIANCE PLAN)
FOR RECOVERY BY ENVIRONMENTAL)
SURCHARGE)**

CASE NO. 2009-00197

PETITION OF KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“Company” or “Applicant”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c) to grant confidential protection for the items described herein, which Applicant seeks to provide in support of its Application in this proceeding. In support of this Petition, Applicant states as follows:

1. In support of its Application, Applicant is providing a number of engineering reports and other documents that contain cost and budgetary projections for several coal combustion byproduct storage facilities, as well as avoided cost per ton data Applicant uses and will use in the future to determine if particular beneficial reuse projects (i.e., projects that beneficially reuse coal combustion byproducts) are cost-effective. This information was created at the Company’s expense by engineering firms under confidentiality agreements, is not otherwise known outside the Company, and is known inside the Company only by those persons with a legitimate business need to know it. It is contained in Exhibits JNV-8, JNV-9, JNV-10, and JNV-12 to the Testimony of John N. Voyles, Jr., and is contained in the Testimony of Charles R. Schram and certain exhibits to his testimony.

2. The information contained in the aforementioned testimony and exhibits is commercially sensitive and confidential cost and budgetary information that, if disclosed publicly, would significantly diminish Applicant's ability to negotiate beneficial reuse contracts favorable to Applicant and its customers. As described in Applicant's Application and supporting testimony, Applicant determines the cost-effectiveness of beneficial reuse opportunities by determining Applicant's avoided cost of disposing of the same amount of coal combustion byproducts in on-site storage facilities. If beneficial reuse companies became aware of the cost and budgetary data supporting Applicant's avoided costs, the companies could ensure that their bids were always just below the avoided cost threshold, depriving Applicant and its customers of the benefit of lower-cost beneficial reuse opportunities. Applicant therefore requests confidential treatment for the information described above pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c).

3. In addition, Exhibit CRS-1 to the Testimony of Charles R. Schram, *E.W. Brown Unit 3 Selective Catalytic Reduction Analysis*, contains gas cost projections in Appendix 2. Such projections are confidential and commercially sensitive information that impact several of Applicant's business decisions, including competitive decisions in the wholesale power market. Revealing this information to Applicant's competitors in that market could hamper Applicant's ability to compete effectively in that market, reducing benefits to Applicant and its customers. Applicant therefore requests confidential treatment for the information described above pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c).

4. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect Applicant'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.

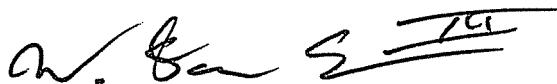
Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

5. Applicant will disclose the confidential information, pursuant to a protective agreement, to intervenors and others with a legitimate interest in this information and as required by the Commission. In accordance with the provisions of 807 KAR 5:001 Section 7, the Applicants herewith file with the Commission one copy of the above-discussed testimony and exhibits with the confidential information highlighted and ten (10) copies of its response without the confidential information. Because certain of the exhibits at issue are being supplied only electronically, such exhibits will be supplied on discs clearly marked, "CONFIDENTIAL," and "REDACTED."

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated: June 26, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. Riggs", with a horizontal line underneath it.

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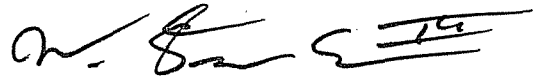
Counsel for Kentucky Utilities Company

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Joint Petition for Confidential Protection was served via U.S. mail, first-class, postage prepaid, this 26th day of June 2009 upon the following persons:

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