

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

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PUBLIC SERVICE  
COMMISSION

**In the Matter of:**

**AN EXAMINATION OF THE APPLICATION )  
OF THE FUEL ADJUSTMENT CLAUSE OF )  
KENTUCKY UTILITIES COMPANY FROM )  
NOVEMBER 1, 2011 THROUGH APRIL 30, 2012 )**

**CASE NO.  
2012-00320**

**PETITION OF KENTUCKY UTILITIES COMPANY  
FOR CONFIDENTIAL PROTECTION**

Kentucky Utilities Company (“KU”), pursuant to 807 KAR 5:001, Section 7, respectfully petitions the Commission to classify as confidential and protect from public disclosure certain information provided by KU in response to Question Nos. 12(a) and 19 of the Commission’s data requests, as contained in the Appendix to the Commission’s Order dated August 22, 2012. KU requests confidential protection for settlement agreements provided in response to Question No. 12(a) and for coal bid analysis information contained in Question No. 19. In support of this Petition, KU notes that the Commission has consistently treated this same kind of information as confidential in KU’s previous 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(1)(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 terms and conditions of KU's settlement of contract disputes would damage KU's competitive position and business interests. This information reveals the terms and conditions under which KU agreed to settle contract disputes with a coal supplier. If the Commission grants public access to the information requested in Question No. 12(a), KU's negotiating position in future litigation of contract disputes could be seriously compromised to the detriment of KU and its ratepayers by granting litigators access to terms and conditions KU has found acceptable in the past. As noted above, the Commission has treated such information as confidential in the past.

3. 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 the Company 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. 19, 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.

4. 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.

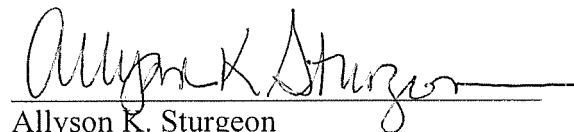
5. KU does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to intervenors with legitimate interests in reviewing the same for the purpose of participating in this case.

6. In accordance with the provisions of 807 KAR 5:001, Section 7, KU is filing with the Commission one copy of the Confidential Information highlighted and ten (10) copies without the Confidential Information.

**WHEREFORE**, Kentucky Utilities Company respectfully requests the Commission grant confidential protection to the information designated as confidential.

Dated: September 12, 2012

Respectfully submitted,



Allyson K. Sturgeon  
Senior Corporate Attorney  
LG&E and KU Services Company  
220 West Main Street  
Louisville Kentucky, 40202  
Telephone: (502) 627-2088

Counsel for Kentucky Utilities Company