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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)	
THE FUEL ADJUSTMENT CLAUSE OF)	CASE NO. 2012-00552
KENTUCKY UTILITIES COMPANY FROM)	
NOVEMBER 1, 2010 THROUGH OCTOBER 31,)	
2012)	

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

Kentucky Utilities Company (“KU”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001 § 7 and KRS 61.878(1) to grant confidential protection for the information described herein, which KU is providing in its Supplemental Response to the Commission Staff’s First Request for Information in Appendix B of Commission’s Order Dated February 13, 2013, specifically Question No. 24.b.3. and c. In support of this Petition, KU states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for the exemption and, therefore, maintain the confidentiality of the information, a party must establish that the material is of a kind generally recognized to be confidential or proprietary, and the disclosure of which would permit an unfair commercial advantage to competitors of the party seeking confidentiality.

2. Information requested in Question No. 24 asks KU to provide the current status of all litigation with coal suppliers. In its Supplemental Response to Question No. 24.b.3. and c, KU states that the parties have settled the lawsuits previously identified in the data response filed March 4, 2013. The terms of the settlement agreement are confidential. A copy of the

settlement agreement and a confidential version of this supplemental response are being filed with the Commission pursuant to a petition for confidential protection.

3. If the Commission disagrees with this request for confidential protection, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply with 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., 642 S.W.2d 591, 592-94 (Ky. App. 1982).


4. The information for which KU is seeking confidential treatment 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 is filing with the Commission in a separate sealed envelope marked confidential one (1) copy of the Supplemental Response to Question No. 24.b.3 and c in paper medium which identifies by underscoring, highlighting with transparent ink, or other reasonable means only those portions which unless redacted would disclose confidential material. Confidential treatment is sought for the entire settlement agreement, which is marked with unambiguous written notification that the entire document is confidential in lieu of the required highlighting. KU is also filing ten (10) copies of the Supplemental Response to Question No. 24.b.3 and c in paper medium with those portions obscured for which confidentiality is sought. Because confidential treatment is sought for the entire settlement agreement, KU is filing ten (10) copies of a sheet noting that the entire document is confidential in lieu of redacting the document.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: May 1, 2013

Respectfully submitted,

A handwritten signature in black ink, reading "Allyson K. Sturgeon". The signature is written in a cursive style and is positioned above a horizontal line.

Allyson K. Sturgeon
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