

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)
THE FUEL ADJUSTMENT CLAUSE OF)
LOUISVILLE GAS AND ELECTRIC COMPANY) CASE NO. 2013-00447
FROM MAY 1, 2013 THROUGH OCTOBER 31,)
2013)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On February 28, 2014, Louisville Gas and Electric Company (“Movant”) moved, pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission in response to the requests for information contained in the Commission’s February 7, 2014 Order be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the materials in question – coal price settlement agreement information, coal bid analysis information and litigation settlement information – are records generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). Movant requests that the coal bid analysis information contained in Movant’s response to Question 19 be granted confidential treatment until February 28, 2019. Movant requests that the coal price settlement agreement information contained in Movant’s response to Question 12 and the litigation settlement information contained in Movant’s response to Question 25.a. be granted confidential treatment indefinitely because the terms of the settlement agreement require confidential protection.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment are records containing data which are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. The coal bid analysis information contained in Movant's response to Question 19 of the requests for information should not be placed in the public record or made available for public inspection until February 28, 2019, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

3. The coal price settlement agreement information contained in Movant's response to Question 12 and the litigation settlement information contained in Movant's response to Question 25.a. should not be placed in the public record or made available for public inspection indefinitely or until the terms of the settlement agreement become public, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted.
2. The coal bid analysis information for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection until February 28, 2019, at which time the materials will be placed in the public record. Movant may request that the material continue to be treated as confidential, but must demonstrate that the material still falls within the exclusions established in KRS 61.878.

3. The coal price settlement agreement information and the litigation settlement information for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection indefinitely, unless the information becomes public, at which time the materials will be placed in the public record. Movant may request that the materials continue to be treated as confidential, but must demonstrate that the materials still fall within the exclusions established in KRS 61.878.

4. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400, or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the materials in question after the end of the period set forth in ordering paragraphs 2 or 3.

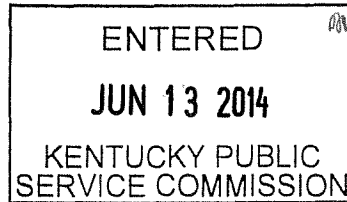
5. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

6. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

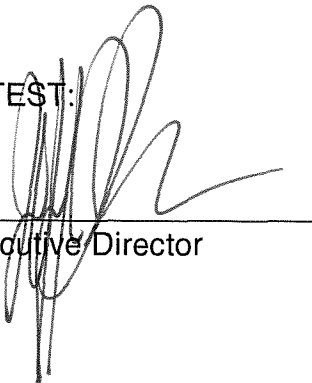
7. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have

been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission



ATTEST:



Executive Director

Case No. 2013-00447

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