

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF LOUISVILLE GAS & )	
ELECTRIC COMPANY AND KENTUCKY )	
UTILITIES COMPANY FOR CERTIFICATES OF )	
PUBLIC CONVENIENCE AND NECESSITY FOR )	CASE NO.
THE CONSTRUCTION OF A COMBINED )	2014-00002
CYCLE COMBUSTION TURBINE AT THE )	
GREEN RIVER GENERATING STATION AND A )	
SOLAR PHOTOVOLTAIC FACILITY AT THE )	
E.W. BROWN GENERATING STATION )	

ORDER

This matter arises on a petition filed on March 27, 2014, by Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) (jointly LG&E/KU), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for an indefinite period for information regarding its infrastructure and for five years for customer-specific usage data and commercially sensitive information.

In support of its petition, LG&E/KU state that its response to the Attorney General's Initial Request for Information (Attorney General's Initial Request), Item 107, and its response to Wallace McMullen and Sierra Club's Initial Request for Information (Sierra Club's Initial Request), Item 4(c), contain information about the utilities' infrastructure that would be useful to anyone seeking to threaten or harm public safety, and as such are exempt from public disclosure pursuant KRS 61.878(1)(m). LG&E/KU also state that information contained in its response to the Kentucky Industrial Utility Customers' First

Request for Information (KIUC's First Request), Item 1(b); its response to the Attorney General's Initial Request, Item 13(c); and its response to Sierra Club's Initial Request, Item 18(a), contain customer-specific data related to an individual customer's projected energy use and is protected from public disclosure under KRS 61.878(1)(a). LG&E/KU further states that information contained in its response to the Attorney General's Initial Request, Items 42(b), 42(d), 43, 61, 128, 138, 142, 143, 144, 145, 148, 149, 150, 162, 181,198, and 200; its response to the Sierra Club's Initial Request,, Items 5(c), 7, 19(e), 33, 46(b), and 46(d); its response to the Commission Staff's First Request for Information (Staff's First Request), Item 22; and its response to KIUC's First Request, Item 6 contain proprietary information regarding third parties and other confidential information that, if publicly disclosed of which would subject LG&E/KU to a competitive disadvantage, and therefore is exempt from public disclosure pursuant to KRS 61.878(1)(c).

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

1. The designated materials pertaining to LG&E/KU's infrastructure contained in its response to the Attorney General's Initial Request, Item 107 and its response to Sierra Club's Initial Request, Item 4c, meet the criteria and therefore are exempt from public disclosure pursuant KRS 61.878(1)(m).

2. The five-year period for which LG&E/KU requests confidential treatment for the remaining materials has run and, therefore, the request is denied as moot.

IT IS THEREFORE ORDERED that:

1. LG&E/KU's March 27, 2014 petition for confidential protection is granted in part and denied in part.

2. LG&E/KU's request for confidential treatment for an indefinite period for the designated material pertaining to its infrastructure information is granted.

3. LG&E/KU's request for confidential treatment for the remaining materials for which confidentiality was requested for a five-year period is denied as moot.

4. The designated materials for which confidentiality was granted shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

5. Use of the designated materials pertaining to the designated materials for which confidentiality was granted in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

6. LG&E/KU shall inform the Commission if the designated materials for which confidentiality was granted become publicly available or no longer qualify for confidential treatment.

7. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, LG&E/KU shall have 30 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 LG&E/KU is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. The Commission shall not make the designated materials for which confidentiality was granted available for inspection for 30 days following an Order finding that the materials

no longer qualify for confidential treatment in order to allow LG&E/KU to seek a remedy afforded by law.

8. Within 30 days of the date of this Order, LG&E/KU E shall file revised pages reflecting as unredacted the designated materials that have been denied confidential treatment.

9. The designated materials for which confidential protection was denied shall not be placed in the public record for 30 days following the date of this Order to allow LG&E/KU to seek any remedy afforded by law.

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By the Commission

ENTERED  
AUG 26 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2014-00002

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