

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR AN ADJUSTMENT OF)	CASE NO.
ITS ELECTRIC AND GAS RATES)	2014-00372

ORDER

This matter arises on four petitions filed by Louisville Gas and Electric Company (LG&E), and one petition filed jointly by Wal-Mart Stores East, LP, and Sam's East, Inc. (jointly, Walmart), pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, requesting confidential treatment for designated materials filed with the Commission. LG&E filed its petitions on November 26, 2014; December 12, 2014; April 14, 2015; and April 15, 2015. Walmart filed its petition on April 6, 2015.

In LG&E's November 26, 2014 petition, LG&E requested confidential treatment for an indefinite period for exhibits to its Application (Exhibits). The designated materials consist of LG&E's Energy Supply and Analysis 2015 Business Plan, which shows estimated times for scheduled outages for certain generating units; LG&E's Transmission 2015 Business Plan, which shows plans for security at substations; and compensation for employees, other than executive salaries that are publicly disclosed.

In LG&E's December 12, 2014 petition, LG&E requested confidential treatment for five years for information contained in its response to Commission Staff's First Request for Information, Item Nos. 36, 47(a)(9), and 49. The designated materials consist of compensation paid for professional outside services; compensation for employees, other

than executive salaries that are publicly disclosed; and federal and state income tax records.

In LG&E's April 14, 2015 petition, LG&E requested confidential treatment for an indefinite period for information in the Rebuttal Testimony of David J. Wathen. The designated materials consist of employee compensation for non-executive employees, and workpapers containing confidential and proprietary created by a third party.

In LG&E's April 15, 2015 petition, LG&E requested confidential treatment for an indefinite period for filing of supplemental information that is subject to the petition for confidential treatment that was filed on November 26, 2014.

In Walmart's April 6, 2015 petition, Walmart requested confidential treatment for an indefinite period for its response to LG&E's First Request for Information, item 3. The designated materials consist of account usage information regarding Walmart's participation in demand-side management energy-efficiency programs.

Having considered the petition and the materials at issue, the Commission finds that the designated materials contained in LG&E's petitions meet the criteria for confidential treatment pursuant to KRS 61.989(1)(a), which exempts from public disclosure certain private and personal information; KRS 61.878(1)(c)(1), which exempts proprietary and confidential information when public disclosure would result in competitive harm; KRS 61.878(1)(k) and (l), which exempts information for which public disclosure is prohibited by state or federal law; and KRS 61.878(1)(m)(1)(e), which exempts information regarding public security and response needs assessment from public disclosure.

The Commission further finds that the designated materials contained in Walmart's petition meet the criteria for confidential treatment pursuant to KRS 61.878(1)(c)(1), which exempts proprietary and confidential information when public disclosure would result in competitive harm.

IT IS THEREFORE ORDERED that:

1. LG&E's petitions for confidential treatment dated November 26, 2014; December 12, 2014; April 14, 2015; and April 15, 2015, are granted.
2. Walmart's petition for confidential treatment dated April 6, 2015, is granted.
3. The designated materials contained in LG&E's petitions for confidential treatment dated December 12, 2014, 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.
4. The designated materials contained in LG&E's petition for confidential treatment dated November 26, 2014; April 14, 2015; and April 15, 2015, shall not be placed in the public record or made available for public inspection for five years, or until further Orders of this Commission.
5. The designated materials contained in Walmart's petition for confidential treatment dated April 6, 2015, 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.
6. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

7. LG&E and Walmart shall inform the Commission if their respective designated materials become publicly available or no longer qualify for confidential treatment.

8. 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 and Walmart, respectively, 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 LG&E and Walmart, respectively, are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

9. The Commission shall not make the designated materials 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 or Walmart, respectively, to seek a remedy afforded by law.

By the Commission

ENTERED
JAN 24 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2014-00372

*Amanda M Lanham
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Avenue NW, Suite 1
Washington, DISTRICT OF COLUMBIA 20006

*David Brown
Stites & Harbison, PLLC
1800 Providian Center
400 West Market Street
Louisville, KENTUCKY 40202

*Gardner F Gillespie
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Avenue NW, Suite 1
Washington, DISTRICT OF COLUMBIA 20006

*Honorable Allyson K Sturgeon
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Don C A Parker
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Jody M Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Honorable W. Duncan Crosby III
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Janice Theriot
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

*Honorable William H May, III
Attorney at Law
Hurt, Crosbie & May PLLC
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

*Derrick P Williamson
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Casey Roberts
Sierra Club
1536 Wynkoop St., Suite 312
Denver, COLORADO 80202

*Ed Staton
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*C Harris
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Eileen Ordober
Legal Aid Society
416 West Muhammad Ali Boulevard
Suite 300
Louisville, KENTUCKY 40202

*Kent Chandler
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Joe F Childers
Joe F. Childers & Associates
300 Lexington Building
201 West Short Street
Lexington, KENTUCKY 40507

*Thomas J FitzGerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KENTUCKY 40602

*Kristin Henry
Staff Attorney
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CALIFORNIA 94612

*Kyle J Smith
General Attorney
U.S. Army Legal Services Agency
9275 Gunston Road
ATTN: JALS-RL/IP
Fort Belvoir, VIRGINIA 22060-554

*Rick E Lovekamp
Manager - Regulatory Affairs
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable Lindsey W Ingram, III
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*Robert Conroy
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Honorable Robert M Watt, III
Attorney At Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*Laurie Williams
Associate Attorney
Sierra Club
50 F Street, NW, Eighth Floor
Washington, DISTRICT OF COLUMBIA 20001

*Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Honorable Lisa Kilkelly
Attorney at Law
Legal Aid Society
416 West Muhammad Ali Boulevard
Suite 300
Louisville, KENTUCKY 40202

*Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Stefanie J Kingsley
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Honorable Matthew R Malone
Attorney at Law
Hurt, Deekard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507