

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.
KENTUCKY UTILITIES COMPANY FROM)	2015-00234
NOVEMBER 1, 2014 THROUGH APRIL 30,)	
2015)	

ORDER REGARDING PETITION FOR CONFIDENTIAL TREATMENT

On August 28, 2015, Kentucky Utilities Company ("KU") petitioned the Commission, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 for confidential treatment of certain information submitted to the Commission as part of this proceeding. Specifically, KU seeks confidential treatment for a period of five years for information contained in its response to the Commission's August 14, 2015 Order, Appendix, request for information, Item 19. KU describes the confidential information as its coal bid analysis and the selection process for evaluating bids, information which it states 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.

KRS 61.878(1)(c) exempts from public disclosure confidential information which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records. In support of its Petition, KU states that disclosure of the confidential information would damage its competitive position and business interests, in that the information reveals the business model KU uses, and the procedures it follows and factors it considers, in evaluating bids for coal supply. KU

states that disclosure of the confidential information would allow potential bidders to 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. Thus, KU maintains that the disclosure of the confidential information would permit an unfair commercial advantage to its competitors.

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

1. KU's response to the Commission's request for information, Item 19, as set forth in the Appendix to the Commission's August 14, 2015 Order, constitutes confidential information critical to LG&E's effective execution of business decisions and strategy.

2. The disclosure of the information contained in KU's response to the Commission's request for information, Item 19, as set forth in the Appendix to the Commission's August 14, 2015 Order, would have a reasonable likelihood of permitting an unfair commercial advantage to competitors of KU.

3. KU has met its burden of proof to show that the materials for which it seeks confidential treatment are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

4. The materials for which KU seeks confidential treatment should not be placed in the public record or be made available for public inspection for a period of five years, or until further Order of this Commission.

IT IS THEREFORE ORDERED that:

1. KU's Petition for Confidential Treatment of its response to the Commission's request for information, Item 19, as set forth in the Appendix to the Commission's August 14, 2015 Order, is granted.

2. The materials for which KU seeks confidential treatment shall not be placed in the public record or be made available for public inspection for a period of five years, or until further Order of this Commission.

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

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


5. 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, KU 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 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.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow KU to seek a remedy afforded by law.

By the Commission

ENTERED
NOV 06 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2015-00234

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