

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND	)	
ELECTRIC COMPANY AND KENTUCKY UTILITIES	)	
COMPANY REGARDING ENTRANCE INTO	)	CASE NO.
REFINED COAL AGREEMENTS, FOR PROPOSED	)	2015-00264
ACCOUNTING AND FUEL ADJUSTMENT CLAUSE	)	
TREATMENT, AND FOR DECLARATORY RULING	)	
	)	

ORDER

On February 7, 2019, Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) (jointly, LG&E/KU) filed a petition, pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for five years to refined coal agreements and related documents. The information for which LG&E/KU request confidential treatment is more specifically described as a Coal Feedstock Purchase Agreement, Coal Handling and Consulting Agreement, Environmental Indemnity Agreement, License and Services Agreement, Notice of Commercial Operations, Pre-Closing Inventory Purchase Agreement, Refined Coal Supply Agreement, and Security Agreement (Agreements) with a wholly owned subsidiary of Tinum Group, LLC, formerly known as Clean Coal Solutions, LLC.

In support of their petition, LG&E/KU state that the designated materials contain confidential technical and pricing information that, if publicly disclosed, could hinder LG&E/KU's ability to receive the best proposals and procure the best contract terms in future negotiations. LG&E/KU assert that counterparties are more likely to respond to requests for proposals from LG&E/KU or to offer concessions in contract terms when

counterparties know that sensitive proprietary information will not be publicly disclosed to competitors. LG&E/KU state that, for these reasons, the designated materials are generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in the Agreements are records that are generally recognized as confidential or proprietary, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. LG&E/KU's motion for confidential protection for the designated materials contained in the Agreements is granted.
2. The materials contained in the Agreements for which LG&E/KU requested confidential treatment shall not be placed in the public record or made available for public inspection for five years, or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. LG&E/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, then 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 are 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 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.

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By the Commission

ENTERED  
MAR 13 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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