

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)	CASE NO.
INTO REFINED COAL AGREEMENTS, FOR)	2015-00264
PROPOSED ACCOUNTING AND FUEL)	
ADJUSTMENT CLAUSE TREATMENT, AND FOR)	
DECLARATORY RULING)	

ORDER

On June 11, 2020, Louisville Gas and Electric Company and Kentucky Utilities Company (jointly LG&E/KU) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for amended refined coal agreements and related documents for five years. The information for which LG&E/KU request confidential treatment is more specifically described as an Amendment to Refined Coal Sale Agreement (Ghent) and an Amendment to Refined Coal Facility and Coal Yard Site License (Ghent) with GS RC Ghent, LLC, a subsidiary of The Goldman Sachs Group, Inc. (Goldman Sachs).

In support of their motion, LG&E/KU state the materials are proprietary information that required the expenditure of significant time and resources to develop and that disclosure of such proprietary information could hinder LG&E/KU's ability to receive the best proposals and contract terms in future negotiations. LG&E/KU assert the protection of such information means counterparties are more likely to respond to requests for proposals or to offer concessions when counterparties know that sensitive proprietary

information will not be offered to competitors. Finally, LG&E/KU assert that the Commission has previously granted confidential treatment to similar documents. LG&E/KU state, for these reasons, the designated materials are generally recognized as confidential and are exempt from public disclosure pursuant to KRS 61.878(1)(c).

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

IT IS THEREFORE ORDERED that:

1. LG&E/KU's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. LG&E/KU shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has 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 material still falls within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU is

unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies 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 12 2021 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director for

Case No. 2015-00264

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