

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY AND KENTUCKY)	
UTILITIES COMPANY TO INSTALL AND)	CASE NO.
OPERATE ELECTRIC CHARGING STATIONS IN)	2015-00355
THEIR CERTIFIED TERRITORIES, FOR)	
APPROVAL OF AN ELECTRIC VEHICLE SUPPLY)	
EQUIPMENT RIDER, AN ELECTRIC VEHICLE)	
SUPPLY EQUIPMENT RATE, AN ELECTRIC)	
VEHICLE CHARGING RATE, DEPRECIATION)	
RATE, AND FOR A DEVIATION FROM THE)	
REQUIREMENTS OF CERTAIN COMMISSION)	
REGULATIONS)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On November 13, 2015, Louisville Gas and Electric Company and Kentucky Utilities Company (collectively, "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 to Exhibits REL-1 and REL-2 to the direct testimony of Rick E. Lovekamp ("Lovecamp Testimony Exhibits REL-1 and REL-2") for a period of five years. On December 23, 2015, 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 to LG&E/KU's responses to Commission Staff's First Request for Information ("Staff's First Request"), Items 8(d)(2), 8(d)(3), and 22, for a period of five years. Also in their December 23, 2015 petition, LG&E/KU request a deviation from 807 KAR 5:001, Section 13(2)(a)(3), which requires a party requesting confidential treatment to file one copy of the designated information in paper medium with the confidential material

redacted, and to file one unredacted copy in paper medium with the confidential material identified by underscoring or highlighting in transparent ink.¹

The designated materials for which confidential protection is requested in Lovecamp Testimony Exhibits REL-1 and REL-2 are more specifically described as the costs of electric charging stations and related services provided by the charging station vendor, ChargePoint, Inc., which are contained in the rate calculations used to develop LG&E/KU's proposed Electric Vehicle Supply Equipment Rider, Electric Vehicle Supply Equipment Rate, and Electric Vehicle Charging Rate. The designated materials for which confidential protection is requested in LG&E/KU's response to Staff's First Request, Item 22, are more specifically described as electronic copies of Lovecamp Testimony Exhibits REL-1 and REL-2 in Excel spreadsheet format. The designated materials for which confidential protection is requested in LG&E/KU's responses to Staff's First Request, Items 8(d)(2) and 8(d)(3), are more specifically described as charging station proposals submitted in response to LG&E/KU's request for proposals and LG&E/KU's analysis of the proposals.

In support of their petitions requesting confidential treatment, LG&E/KU state that the designated materials in Lovecamp Testimony Exhibits REL-1 and REL-2, and their responses to Staff's First Request, Items 8(d)(2) and 22, contain commercially sensitive third party pricing information that, if publicly disclosed, could cause third parties to be less willing to respond to LG&E/KU's request for proposals, which would diminish

¹ Pursuant to 807 KAR 5:001, Section 13(2)(e), a case conducted by using electronic filing procedures, such as this proceeding, shall comply with procedures established in 807 KAR 5:001, Section 8, except that an unredacted copy of the material for which confidentiality is requested is not to be filed electronically. Therefore, although 807 KAR 5:001, Section 13(2)(a)(3), states that a party shall file ten redacted copies in paper medium of material for which confidentiality is requested, in an electronic case, the filing party would be required to file only one redacted copy in paper medium pursuant to 807 KAR 5:001, Section 8(3).

LG&E/KU's ability to receive the best proposals and contract for the best possible terms, which in turn could result in harm to LG&E/KU customers by increasing the cost of service. In support of their petition requesting confidential treatment for their response to Staff's First Request, Item 8(d)(3), LG&E/KU state that the designated material contains their methodology for assessing bid proposals, which is proprietary and if publicly disclosed, would place LG&E/KU at a competitive disadvantage and jeopardize their ability to procure least cost pricing. For the above reasons, LG&E/KU assert that the designated materials in Lovecamp Testimony Exhibits REL-1 and REL-2, and in their responses to Staff's First Request, Items 8(d)(2), 8(d)(3), and 22, are generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

In their petition to deviate from 807 KAR 5:001, Section 13(2)(a)(3), LG&E/KU request to submit their response to Staff's First Request, Items 8(d)(2) and 8(d)(3), on a CD-ROM in lieu of a copy in paper medium and for relief from the requirement of submitting redacted copies of their response to Staff's First Request, Item 22. As a basis for the request to submit a CD-ROM in lieu of a paper copy, LG&E/KU assert that their responses to Staff's First Request, Items 8(d)(2) and 8(d)(3), total more than 1,000 pages, and thus are too voluminous and costly to produce in paper form. As a basis for their request to be relieved from filing redacted copies of their response to Staff's First Request, Item 22, LG&E/KU state that they cannot redact or otherwise obscure the confidential information on the Excel spreadsheet version of Lovecamp Testimony Exhibits REL-1 and REL-2 and maintain the spreadsheet's formulas intact, as requested in Staff's First Request, Item 22.

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

1. The designated materials contained in Lovecamp Testimony Exhibits REL-1 and REL-2, and in LG&E/KU's responses to Staff's First Request, Items 8(d)(2), 8(d)(3), and 22, are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, could result in commercial harm to LG&E/KU, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

2. LG&E/KU have shown good cause to permit them to deviate from the filing requirements of 807 KAR 5:001, Section 13(2)(a)(3), and their request for a deviation to file their responses to Staff's First Request, Items 8(d)(2) and 8(d)(3), on CD-ROM only and to relieve LG&E/KU from filing a redacted version of their response to Staff's First Request, Item 22, should be granted.

IT IS THEREFORE ORDERED that:

1. LG&E/KU's November 13, 2015 petition for confidential protection for Lovecamp Testimony Exhibits REL-1 and REL-2 is granted.

2. LG&E/KU's December 23, 2015 petition for confidential protection for their responses to Staff's First Request, Items 8(d)(2), 8(d)(3), and 22, is granted.

3. LG&E's petition to deviate from the filing requirements of 807 KAR 5:001, Section 13(2)(a)(3), is granted.

4. The materials set forth in Lovecamp Testimony Exhibits REL-1 and REL-2, and LG&E/KU's responses to Staff's First Request, Items 8(d)(2), 8(d)(3), and 22,

shall not be placed in the public record or made available for public inspection for a period of five years, or until further Orders of this Commission.

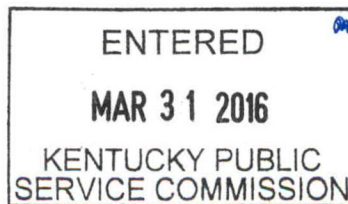
5. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

6. LG&E/KU shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

7. 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 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/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.

8. 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 LG&E/KU to seek a remedy afforded by law.

By the Commission



ATTEST:


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