COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE GAS AND ELECTRIC COMPANY FOR AN ADJUSTMENT OF ITS ELECTRIC AND GAS RATES AND FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY ) CASE NO. 2016-00371

ORDER

This matter arises from motions requesting confidential treatment, pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, filed by JBS Swift & Co (JBS Swift) and Louisville Gas and Electric Company (LG&E) on March 31, 2017, and April 10, 2017, respectively.

In the JBS Swift motion, JBS Swift requests confidential treatment for five years for information contained in its response to LG&E’s Data Requests (LG&E’s DR), Item 1. JBS Swift states that the response to LG&E’s DR, Item 8(a) contains information relating to its manufacturing process at its Louisville facilities, including its load profile, information related to potential cost savings for electricity, and equipment list. JBS Swift asserts that public disclosure of this information could place it at an unfair competitive disadvantage with other similar manufacturing processes. JBS Swift contends that disclosure of this information could harm JBS Swift by providing its competitors an opportunity to understand the company’s core operations regarding its equipment and its associated electricity consumption. JBS Swift argues that this information is exempt from public disclosure pursuant to KRS 61.878(1)(c).
LG&E's motion mirrors the confidentiality request sought by JBS Swift. In particular, LG&E requests confidential treatment for five years for information contained in the Rebuttal Testimony of W. Steven Seelye (Seelye Rebuttal Testimony). LG&E notes that the Seelye Rebuttal Testimony references and discusses the document for which JBS Swift seeks confidential treatment.

Having carefully considered the motions and the materials at issue, the Commission finds that the designated materials in the confidentiality motions of JBS Swift and LG&E 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.

IT IS THEREFORE ORDERED that:

1. JBS Swift's March 31, 2017 motion and LG&E's April 10, 2017 motion for confidential treatment are granted.

2. The designated materials for which JBS Swift and LG&E seek 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. JBS Swift or LG&E 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 JBS Swift or LG&E 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 JBS Swift or LG&E 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 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow JBS Swift or LG&E to seek a remedy afforded by law.
By the Commission

ENTERED
JAN 28 2019
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

[Signature]
Executive Director

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