

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

This matter arises from motions requesting confidential treatment, pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, filed by Louisville Gas and Electric Company (LG&E) on February 20, 2017.

In the February 20, 2017 motion, LG&E requested confidential treatment for five years for information contained in its responses to Commission Staff's Third Request for Information (Staff's Third Request), Items 8(a), 24, and 25. LG&E states that the response to Staff's Third Request, Item 8(a) contains equipment costs that are negotiated contract rates with vendors that LG&E agreed would remain confidential and that disclosure of such information could negatively impact LG&E and its ratepayers because it may harm the relationship with LG&E and its vendors and LG&E's bargaining ability. LG&E states that the response to Staff's Third Request Item 24 contains a study, map, and document identifying the proposed gas pipeline route. LG&E asserts that disclosure of this information would create a competitive disadvantage for LG&E because LG&E has not notified property owners, obtained easement rights, or requested survey rights. Disclosure of this information may increase the value of the land through which the

pipeline crosses or landholder may resist construction and force LG&E to spend more to construct the pipeline. LG&E asserts that its responses to Items 8(a) and 24 are exempt from public disclosure pursuant to KRS 61.878(1)(c)(1). Lastly, LG&E states that its response to Staff's Third Request, Item 25, contains customer identifying information, which, if disclosed, would be an invasion of privacy of those customers and should be exempt from public disclosure pursuant to KRS 61.878(1)(a).

LG&E's February 20, 2017 motion also requested confidential treatment for five years for information contained in its responses to the Attorney General's Supplemental Data Requests, Items 27(b) and (c), 28(a), and 55(b). With respect to Items 27(b), 27(c), and 55(b), LG&E states the information contained in these responses consist of employee compensation related to replacement employees and gas distribution employees. LG&E contends that the information contained in the responses to Items 27(b), 27(c), and 55(b) is personal information that is exempt from public disclosure pursuant to KRS 61.878(1)(a). As to Item 28(a), LG&E notes the request itself is confidential because it contains information from LG&E's response to the Attorney General's Initial Data Requests, Item 134, for which LG&E requested confidential treatment on January 25, 2017. LG&E also notes that the document provided in the response to Item 28(a) is a schedule that supports information filed in a federal tax return, which LG&E contends is exempt from public disclosure pursuant to KRS 61.878(1)(k).

Having carefully considered the motions and the materials at issue, the Commission finds that the designated materials in the February 20, 2017 motion meets the criteria for confidential treatment and are exempted from public disclosure pursuant

to KRS 61.878(1)(a), KRS 61.878(1)(c)(1), KRS 61.878(1)(k), and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. LG&E's February 20, 2017 motion for confidential treatment is granted.
2. The designated materials for which LG&E seeks 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 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 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 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 LG&E to seek a remedy afforded by law.

By the Commission

ENTERED
JAN 25 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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