

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| ELECTRONIC APPLICATION OF LOUISVILLE GAS |) | |
| AND ELECTRIC COMPANY FOR AN ORDER |) | CASE NO. |
| AUTHORIZING THE ISSUANCE OF SECURITIES |) | 2017-00081 |
| AND THE ASSUMPTION OF OBLIGATIONS |) | |

ORDER

This matter arises from a motion 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 24, 2017.

In its motion, LG&E requests confidential treatment for five years for information contained in its application consisting of a copy of the Trimble County Generating Station Coal Combustion Residuals Treatment Project Engineering, Procurement and Construction Agreement Between Louisville Gas and Electric Company, Kentucky Utilities Company, Illinois Municipal Electric Agency, collectively, as Owner and Amec Foster Wheeler Kamtech, Inc., as Contractor (Amec Contract). LG&E states that a copy of the Amec Contract contains limited redactions to protect certain information that should not be publicly disclosed, such as pricing information, insurance provisions, and commercially sensitive terms. LG&E asserts that disclosure of the confidential information would hinder its ability to receive the best proposals and procure the best contract terms in future negotiations. LG&E further asserts that counterparties in a competitive market do not want confidential information or concessions they have made publicly disclosed because such information could be used against them in their future

negotiations with other customers or by their competitors. LG&E maintains that the Amec Contract parties, and others who might make proposals to LG&E in the future, would not favor public disclosure of this information, and may be less willing to make proposals, respond to requests for proposals, or offer LG&E concessions if the information is disclosed. Consequently, LG&E argues that this would diminish its ability to receive the best proposals and contract for the best possible terms, which would be a detriment to both LG&E and its customers through increased cost of service. LG&E avers that such information is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having carefully considered the motions and the materials at issue, the Commission finds that the designated materials in the confidentiality motion of 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. LG&E's February 24, 2017 motion for confidential treatment is granted.
2. The designated materials for which LG&E seeks confidential treatment in its February 24, 2017 motion 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 the 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.

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By the Commission

ENTERED
MAY 20 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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