

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| ELECTRONIC 2018 JOINT INTEGRATED |) | |
| RESOURCE PLAN OF LOUISVILLE GAS AND |) | CASE NO. |
| ELECTRIC COMPANY AND KENTUCKY UTILITIES |) | 2018-00348 |
| COMPANY |) | |

ORDER

On October 19, 2018, Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) (jointly, "LG&E/KU") filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1), requesting that the Commission grant confidential protection for a period of five years for certain material contained in their 2018 Integrated Resource Plan (IRP). The designated material is more specifically described as:

- Information regarding power production costs, including projected fuel, capital, and production costs. LG&E/KU asserts that public disclosure of this material could disadvantage them in negotiating fuel contracts in the future, resulting in higher fuel prices, and could harm LG&E/KU's competitive position in the wholesale energy market because fuel costs are key components of energy pricing. LG&E/KU request confidential treatment for this material under KRS 61.878(1)(c)(1), which exempts information that, if publicly disclosed, would permit an unfair commercial advantage to LG&E/KU's competitors.
- Information obtained from a third party that is contained in IHS Market's U.S. Economy: The 30-Year Focus, which comprises information regarding long-range projections in the marketplace. The designated material consists of proprietary

information that IHS authorized to be disclosed under confidential treatment. LG&E/KU assert that public disclosure of this material could result in third-party suppliers unwilling to supply reports to LG&E/KU in the future, which could diminish LG&E/KU's ability to receive similar information in the future, which, in turn, would harm LG&E/KU and their customers. LG&E/KU request confidential treatment for this material under KRS 61.878(1)(c)(1), which exempts information that, if publicly disclosed, would permit an unfair commercial advantage to LG&E/KU's competitors.

- Information regarding projected sales prices. LG&E/KU assert that public disclosure of this material would provide a competitive disadvantage to them in negotiating power requirement contracts in the wholesale market, which would harm LG&E/KU's retail and wholesale customers. LG&E/KU request confidential treatment for this material under KRS 61.878(1)(c)(1), which exempts information that, if publicly disclosed, would permit an unfair commercial advantage to LG&E/KU's competitors.

- Information regarding LG&E/KU's transmission infrastructure. LG&E/KU assert that public disclosure of this material would reveal the location, configuration, and security of its critical systems. LG&E/KU request confidential treatment for this material under KRS 61.878(1)(m), which prohibits public disclosure of critical infrastructure information that would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act.

LG&E/KU argue that the Commission granted confidential treatment to similar information provided in previous IRP cases.¹ Having considered the petition and the material at issue, the Commission finds that the projected fuel costs, long-term marketplace projections, and projected sales prices 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). The Commission further finds that the transmission infrastructure information meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m).

IT IS THEREFORE ORDERED that:

1. LG&E/KU 's petition for confidential protection for the designated material is granted.
2. The designated material shall not be placed in the public record or made available for public inspection for a period of five years or until further Order of this Commission.
3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. LG&E/KU shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

¹ See Case No. 2011-00140, *The 2011 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Oct. 10, 2011); Case No. 2008-00148, *The 2008 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Apr. 28, 2005); Case No. 2002-00367, *The Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Oct. 24, 2002); and Case No. 99-430, *The Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Mar. 6, 2000).

5. If a non-party 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 20 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 are 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 20 days following 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



ATTEST:


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