

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE	)	
APPLICATION OF THE FUEL ADJUSTMENT	)	CASE NO.
CLAUSE OF LOUISVILLE GAS & ELECTRIC	)	2020-00248
COMPANY FROM NOVEMBER 1, 2019	)	
THROUGH APRIL 30, 2020	)	

ORDER

On September 2, 2020, Louisville Gas and Electric Company (LG&E) filed a motion, pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of LG&E's responses to the Commission's Order dated August 19, 2020. Specifically, LG&E seeks confidential treatment for bid analysis information in Response to Request No. 21(b) for five years.

LG&E asserts that the Response to Request No. 21(b) contains confidential and proprietary information pertaining to its bid analysis and selection process, such as specific factors or input LG&E considers in evaluating bids for coal supply. According to LG&E, such information is made available exclusively to those LG&E employees with a legitimate business need to know.

LG&E further contends that the confidential information, if disclosed, would afford potential bidders a means to tailor their bids to correspond to and comport with LG&E's bidding criteria, thereby manipulating the bid solicitation process to the detriment of LG&E and its ratepayers. Disclosure of this information would therefore damage LG&E's competitive position and business interests.

Having considered the motion and the material at issue, the Commission finds that the Response to Request No. 21(b) is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is 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 motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection five years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. LG&E shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty 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 shall have 30 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 is 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 30 days from the date of service of an Order finding that the material no

longer qualifies for confidential treatment in order to LG&E to seek a remedy afforded by law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission



ATTEST:

  
\_\_\_\_\_  
Executive Director

Case No. 2020-00248

\*Honorable Allyson K Sturgeon  
Managing Senior Counsel - Regulatory &  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Andrea M. Fackler  
Manager, Revenue Requirement  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Robert Conroy  
Vice President, State Regulation and Rates  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Louisville Gas and Electric Company  
Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010