

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT)	CASE NO.
FILING OF LOUISVILLE GAS & ELECTRIC)	2020-00401
COMPANY)	

ORDER

On December 31, 2020, Louisville Gas & Electric Company (LG&E) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for redactions from Gas Supply Clause Exhibit B-1, pages 6–7 also filed on December 31, 2020.

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records “be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884.”¹ In support of its petition, LG&E argued for the application KRS 61.878(1)(c)(1), which exempts records that are “[g]enerally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

The redacted material consists of gas supplier names from a list showing volume sold for a specific period. LG&E argued that public disclosure would allow its competitors to know the unit price and overall cost of the gas LG&E is purchasing from each supplier. This information is valuable to LG&E’s competitors because it can alert them to the identity of LG&E’s low-cost suppliers, and if those supply agreements are more favorable

¹ KRS 61.872(1).

than theirs, they can attempt to outbid LG&E for those suppliers, raising prices and hurting its competitive position.

Having considered the petition and the material at issue, the Commission finds that LG&E's petition is granted. Competitors could undercut LG&E's contracts with gas suppliers if it knew their identities and pricing. The Commission recently found that a sales summary showing gas supplier names, volume, and sales was entitled to indefinite confidential protection.² The information redacted from Gas Supply Clause Exhibit B-1, pages 6–7 filed on December 31, 2020, is generally recognized as confidential or proprietary; it therefore 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)(c)(1).

IT IS THEREFORE ORDERED that:

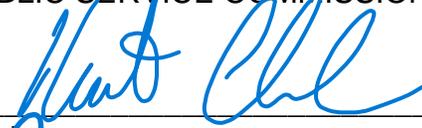
1. LG&E's petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. Use of the designated 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.

² Case No. 2021-00185, *Electronic Application of Delta Natural Gas Company, Inc. for an Adjustment of Its Rates and a Certificate of Public Convenience and Necessity* (Ky. PSC Dec. 7, 2021(motion filed July 28, 2021)), Order at 4, citing Case No. 2016-00200, *Purchased Gas Adjustment Filing of Valley Gas, Inc.* (Ky. PSC July 27, 2017), Order at 2–3.

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 allow LG&E to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION



Chairman



Vice-Chairman

Commissioner



ATTEST:



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