

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF LOUISVILLE	)	CASE NO.
GAS AND ELECTRIC COMPANY TO REVISE ITS	)	2024-00125
LOCAL GAS DELIVERY SERVICE TARIFF	)	

ORDER

On August 7, 2024, Louisville Gas and Electric Company (LG&E) filed a petition,<sup>1</sup> pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for Exhibits TCR-1 and TCR-2 of the rebuttal testimony of Tom C. Rieth. TCR-1 is a modeling analysis demonstrating how Louisville Metropolitan Sewer District’s (MSD) potential renewable natural gas project will impact LG&E’s retail customers. A revised version of TCR-1 was filed on August 13, 2024.<sup>2</sup> TCR-2 contains correspondence between MSD and LG&E, which contains MSD’s usage information, along with customer-specific information.

KRS 61.878(1)(a)<sup>3</sup> exempts from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” KRS 61.878(1)(c)(1)<sup>4</sup> exempts from disclosure “[r]ecords confidentially disclosed to an agency or required by an agency to be

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<sup>1</sup> LG&E’s Petition for Confidential Treatment (filed Aug. 7, 2024).

<sup>2</sup> LG&E’s Corrected Rebuttal Testimony (filed Aug. 13, 2024).

<sup>3</sup> KRS 61.878(1)(a).

<sup>4</sup> KRS 61.878(1)(c)(1).

disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”

In support of its petition, LG&E argued that TCR-1 and TCR-2 contained personally identifiable customer data and sought confidential protection pursuant to KRS 61.878(1)(a).

Having considered the petition and the material at issue, the Commission finds that the information in TCR-2 is generally recognized as confidential or proprietary due to the personally identifiable customer data; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a). In reviewing TCR-1, the Commission finds that the information is generally recognized as confidential or proprietary. However, the Commission disagrees with LG&E’s argument that the information contains personally identifiable customer information. Instead, the Commission finds that unfair commercial advantage exception found in KRS 61.878(1)(c)(1) is the applicable statute. It therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1). The confidential treatment applies to both the TCR-1 version filed on August 7, 2024, as well as the revised version filed August 13, 2024.

IT IS THEREFORE ORDERED that:

1. LG&E’s August 7, 2024 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. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, LG&E shall inform the Commission and file with the Commission an unredacted copy of the designated material.

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

Craigie Hutton  
Chairman

*Signed  
on behalf  
of Chairman  
w/ permission*

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Vice Chairman

Mary Pat Regan  
Commissioner

ENTERED  
AUG 23 2024  
KENTUCKY PUBLIC SERVICE COMMISSION  
rCS

ATTEST:

*[Signature]* *Fre*  
Executive Director

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