

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR AN ADJUSTMENT OF)	CASE NO.
ITS ELECTRIC RATES AND APPROVAL OF)	2025-00113
CERTAIN REGULATORY AND ACCOUNTING)	
TREATMENTS)	

ORDER

On April 29, 2025, 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, requesting that the Commission grant confidential treatment until the conclusion of these proceedings for the preliminary full customer notices that LG&E/KU provided as Exhibit A to their Renewed Motion for Deviation.¹

Commission regulation 807 KAR 5:001, Section 13(2)(a) establishes the procedure that must be followed for the Commission to evaluate the confidential nature of the information. Specifically, crucial to this petition, 807 KAR 5:001, Section 13(2)(a)(1-2) states that the moving party must “[e]stablish specific grounds pursuant to KRS 61.878 for classification of that material as confidential[]” and “[s]tates the time period for the material to be treated as confidential and the reasons for this time period[.]” LG&E/KU requested confidential treatment for its full notice pursuant to KRS 61.878(1)(i) and KRS 61.878(1)(j) which, broadly speaking, apply to preliminary drafts, notes, correspondence, and memoranda which express opinions or proposed policies.

¹ LG&E/KU's Joint Petition for Confidential Treatment (filed Apr. 29, 2025).

In support of its petition, LG&E/KU argued that the full notices are preliminary; and although LG&E/KU are not currently aware of any significant changes they will make to the notices, the notices may change as the companies finalize their filings.² LG&E/KU explained that the notices represent the Companies' current plans for tariff changes, which reflect the companies' preliminary expressions and recommendations, and there are placeholders for proposed rates, which they are still developing.³ LG&E/KU argued that the notices are preliminary drafts and recommendations entitled to confidential protection pursuant to KRS 61.878(1)(i) and (j).⁴ LG&E/KU cited that the Commission recently held that similar preliminary information merited confidential protection under KRS 61.878(1)(i) and (j).⁵

Having considered the petition and the material at issue, the Commission finds that LG&E/KU's request for confidential treatment is denied. LG&E/KU has included facially public information in the form of current rates, current tariff language, as well as information that has been included in the publicly available abbreviated notice. As the document includes public information, the entire document is not entitled to confidential treatment, and LG&E/KU should properly identify and, at a minimum, omit from its request any information already in the public record. The Commission grants LG&E/KU leave to refile its petition once this information is identified.

² LG&E/KU's Joint Petition for Confidential Treatment at 2.

³ LG&E/KU's Joint Petition for Confidential Treatment at 2.

⁴ LG&E/KU's Joint Petition for Confidential Treatment at 2.

⁵ LG&E/KU's Joint Petition for Confidential Treatment at 2; *citing* Case No. 2023-00413, *Electronic Application of Duke Energy Kentucky, Inc. for an Adjustment to Rider NM Rates and for Tariff Approval* (Ky. PSC May 17, 2024), Order, (IRP information not yet public.).

IT IS THEREFORE ORDERED that:

1. LG&E/KU's April 29, 2025 petition for confidential treatment is denied.
2. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.
3. If LG&E/KU objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials should be granted confidential treatment.
4. Within 30 days of the date of service of this Order, LG&E/KU shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.
5. The designated material for which LG&E/KU's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order in order to allow LG&E/KU to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

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