

DOC11R

**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of November 28, 2024***2015-00264**

RECEIVED: 08/19/15

FILED: 11/17/15

FINAL: 11/24/15

REOPENED:

SUSPENSION DATE:

**CASE CODE**

Contracts

Other

Declaratory Order

**UTILITIES:**

Louisville Gas and Electric Company

Kentucky Utilities Company

INTERVENORS: KIUC

**HEARINGS:**

09/03/15

Informal Conference

**INDEX OF EVENTS:**

- 03/12/21 Order Entered: 1. LG&E/KU'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 for 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/KU shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
- 06/11/20 POST CASE: Andrea M. Fackler Kentucky Utilities Company Notice of Filing of Amended Ghent Refined Coal Agreements
- 03/13/19 Order Entered: 1 . LG&E/KU's motion for confidential protection for the designated materials contained in the Agreements is granted. 2. The materials contained in the Agreements for which LG&E/KU requested confidential treatment shall not be placed in the public record or made available for public inspection for five years, or until further Orders of this Commission. 3. Use of the materials 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 materials in question become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then LG&E/KU shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. 6. The Commission shall not make the requested materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow LG&E/KU to seek a remedy afforded by law.
- 02/07/19 POST CASE: Mary Ellen Wimberly KU and LGE Copies of Agreements for Mill Creek Location
- 12/12/18 Order Entered: 1. LG&E/KU's motion for confidential protection for the designated materials contained in the Agreements is granted. 2. The materials contained in the Agreements for which LG&E/KU requested confidential treatment shall not be placed in the public record or made available for public inspection for five years, or until further Orders of this Commission. 3. Use of the materials 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 materials in question become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then LG&E/KU shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. 6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow LG&E/KU to seek a remedy afforded by law.

## Case Management System - KY Public Service Commission

*Regular Cases Before the Commission as of November 28, 2024*

- 12/07/18 Order Entered: 1. LG&E/KU's motion for confidential protection for the designated materials in the Operation Agreement and Exclusivity and Fees Agreement is granted. 2. The designated materials for which LG&E/KU requested confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission. 3. Use of the materials 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 materials in question become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then LG&E/KU shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. 6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow LG&E/KU to seek a remedy afforded by law.
- 12/04/18 POST CASE: Monica H. Braun Kentucky Utilities Company and Louisville Gas and Electric Company Copies of Agreements for Trimble Location
- 09/24/18 Order Entered: . LG&E/KU's motion for confidential protection for the designated materials contained in the Operation Agreement and Tinium Guaranty is granted. 2. The materials contained in the Operation Agreement and Tinium Guaranty for which LG&E/KU requested confidential treatment shall not be placed in the public record or made available for public inspection for five years, or until further Orders of this Commission. 3. Use of the materials 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 materials in question become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then LG&E/KU shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
- 08/24/18 POST CASE: Monica H. Braun Kenutcky Utilities Company, Louisville Gas and Electric Company Notice of Filing Agreements
- 08/08/18 POST CASE: Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company and Kentucky Utilities Company Letter requesting substitution of counsel to service list
- 08/06/18 Order Entered: 1 . LG&E/KU's motion for confidential protection for the designated materials contained in the Operation Agreement and Tinium Guaranty is granted. 2. The materials contained in the Operation Agreement and Tinium Guaranty for which LG&E/KU requested confidential treatment shall not be placed in the public record, or made available for public inspection for an indefinite period, or until further Orders of this Commission. 3. Use of the materials 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 materials in question become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run , then LG&E/KU shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
- 06/15/18 POST CASE: Monica H. Braun Louisville Gas and Electric Company and Kentucky Utilities Company Notice of Filing Agreements
- 05/08/17 Order Entered: 1. LG&E/KU's motion for confidential protection for the designated materials in the Refined Coal Agreements and Documents is granted. 2. The materials contained in the Refined Coal Agreements and Documents for which LG&E/KU requested confidential treatment shall not be placed in the public record or made available for public inspection for a period of five years, or until further Orders of this Commission. 3. Use of the materials 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 materials in question become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding

DOC11R

**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of November 28, 2024*

requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then LG&E/KU shall have 20 days from receipt of written notice of request to demonstrate the materials still fall within exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny request for inspection. 6. The Commission shall not make requested materials available for inspection for 20 days following an Order finding the materials no longer qualify for confidential treatment in order to allow LG&E/KU to seek a remedy afforded by law.

04/03/17 POST CASE: Monica H. Braun Kentucky Utilities Company and Louisville Gas and Electric Company Notice of Filing Agreements and Documents

02/02/17 POST CASE: Monica H. Braun Kentucky Utilities Company, Louisville Gas and Electric Company Notice of Filing Executed Contracts

01/13/16 Order Entered: 1. The Companies' motion for confidential protection for the designated material in Exhibits 6, 7, and 8, and the entirety of Exhibit 9 to the application is granted. 2. The materials contained in Exhibits 6, 7, 8, and 9 to the application for which the Companies requested confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission. 3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13{9}. 4. The Companies shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then the Companies shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If the Companies are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

01/11/16 Order Entered: 1. LG&E/KU's motion for confidential protection for the designated material in a letter ruling from the Department of Revenue is granted. 2. The materials contained in the letter ruling from the Department of Revenue for which LG&E/KU requested confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission. 3. Use of the materials 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 materials become publicly available or no longer qualify for confidential treatment. 5. If a non-party requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then LG&E/KU shall have 20 days from receipt of written notice of request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E/KU are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. 6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow LG&E/KU to seek a remedy afforded by law.

11/24/15 Final Order Entered: 1 . The amended accounting treatment proposed by LG&E/KU for amounts received under the terms of the contemplated refined coal agreements, in the form of Site Licensing and Coal Yard Services fees, is approved. 2. The proposed refined coal agreements are not evidences of indebtedness subject to KRS 278.300 and do not require Commission approval. 3. LG&E/KU are authorized to enter into the proposed refined coal agreements, consistent with the descriptions and explanations thereof contained in the record of this proceeding. 4. LG&E/KU shall continuously monitor for potential detrimental environmental impacts arising from the refined coal process, and if any detrimental environmental impacts occur that arise from the proposed process, LG&E/KU shall notify the Commission in writing within ten days of discovery and provide the recommended remedy.

11/17/15 Order Entered: 1 . The Companies' Motion to Amend Application for Proposed Accounting and Fuel Adjustment Clause Treatment is granted. 2. The Amended Application is deemed filed as of the date of this Order.

10/30/15 J. Wade Hendricks Motion to Amend Application; Amended Application; Petition for Confidential Treatment

DOC11R

**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of November 28, 2024*

10/16/15 Order Entered: 1. The Companies' motion to extend the time requested for a Commission determination until December 1, 2015, is granted.  
2. The Companies' application for authority, if needed, to issue or assume securities or evidence of indebtedness in connection with its request to enter into the Agreements is continued beyond the 60-day period specified in KRS 278.300(2).

09/25/15 Rick E. Lovekamp Louisville Gas and Electric Company and Kentucky Utilities Company Joint Responses to the Commission Staffs Initial Request for Information dated September 15, 2015

09/15/15 Commission Staff's Initial Request for Information to Louisville Gas and Electric Company and Kentucky Utilities Company

09/10/15 Memorandum dated 09/09/2015 for Informal Conference of 09/03/2015; Comments, if any, due within five days of receipt

09/09/15 Order Entered: 1. The procedural schedule set forth in the Appendix, which is attached hereto and incorporated herein, shall be followed. 2. a. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with an original in paper medium and an electronic version to the Commission. b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry. c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond. e. Any party filing a document containing personal information shall encrypt or redact the document so that personal information cannot be read.

09/08/15 LGE and KU Corrected Exhibit 9 of Initial Application Confidential Filing

09/01/15 Michael L. Kurtz Kentucky Industrial Utility Customers, Inc. (KIUC) Written Statement in Response to Commissions Order of Procedure

08/28/15 Order Entered: 1. The motion of KIUC to intervene is granted. 2. KIUC shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. KIUC shall comply with all provisions of the Commission's regulations, 807 KAR 5:001 , Section 8, related to the service and electronic filing of documents. 4. Pursuant to 807 KAR 5:001, Section 8(9) , KIUC shall file with the Commission, within seven days of the date of this Order, a written statement, with a copy to parties of record, that: a. KIUC certifies that it or its agent possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

08/26/15 Michael L. Kurtz Motion to Intervene of Kentucky Industrial Utility Customers, Inc. (KIUC)

08/26/15 Order Entered: The Companies' motion for an informal conference is granted.  
2. An informal conference is scheduled for Thursday, September 3, 2015, at 2:00 p.m. Eastern Daylight Time, at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of discussing issues that may aid in the handling and disposition of this matter.  
3. Commission Staff will contact the parties to this matter by electronic mail to provide details for participation by telephone.

08/19/15 J. Wade Hendricks Verified Application of Louisville Gas and Electric Company and Kentucky Utilities Company Regarding Entrance into Refined Coal Agreements, for Proposed Accounting and Fuel Adjustment Clause Treatment and for Declaratory Ruling; Petition for Confidential P

07/21/15 Acknowledge Receipt of Filing

07/21/15 LG&E and KU Notice of Intent to File Application Regarding Entrance into a Refined Coal Agreement and for Proposed Accounting and Fuel Adjustment Clause Treatment