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November 19, 2010

Mr. Jeff Derouen
Executive Director
PUBLIC SERVICE COMMISSION
P.O. Box 615
Frankfort, KY 40602-0615

RECEIVED

NOV 22 2010

PUBLIC SERVICE
COMMISSION

Re: PSC Case Nos. 2010-00203

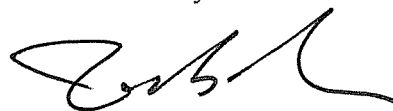
Dear Mr. Derouen:

I enclose the following documents for filing on behalf of the Midwest Independent System Operator, Inc., in the above-referenced proceeding:

- Original and ten copies of the Post-Hearing Brief;
- One original *confidential* supplement (under seal) to the Post-Hearing Brief;
- Original and ten copies of a Motion for extension of time;
- Original and ten copies of a Petition for Confidential Treatment;
- One copy each of the Post-Hearing Brief, Motion for Extension of time, and the Petition for Confidential Treatment (for file-stamp); and
- A self-addressed stamped envelope (for file-stamp copies).

Please let me know if you have any questions.

Sincerely,



John B. Park

Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

Duke Energy Kentucky, Inc.'s Application
for Approval to Transfer Functional Control
of Certain Transmission Assets from the
Midwest Independent Transmission System
Operator to the PJM Interconnection
Regional Transmission Organization and
Request for Expedited Treatment

Case No. 2010-00203

**Petition of the Midwest Independent Transmission System Operator, Inc.
for Confidential Treatment of Information
Contained in the Supplement to its Post-Hearing Brief**

Pursuant to 807 KAR 5:001, Section 7, the Midwest Independent Transmission System Operator, Inc. ("Midwest ISO") respectfully requests the Commission to confer confidential treatment on the Supplement to its Post-Hearing Brief ("Brief Supplement"), which the Midwest ISO files concurrently with this Petition. In support of its request, the Midwest ISO states as follows.

The Brief Supplement contains a discussion by the Midwest ISO of certain information produced by Duke Energy Kentucky, Inc. ("DEK") in response to data requests in this proceeding, and that DEK has designated as confidential. Specifically, the Midwest ISO discusses in the Supplement DEK's analysis of potential generation capacity valuation in different Regional Transmission Organizations and documentation relating to such analysis, which information DEK produced in response to three data requests: (1) 2 PSC Staff 9; (2) Supp. to 2 MISO 7(c); and (3) 2d. Supp. to 2 MISO 7(c) and (d). DEK has stated that its response to 2 PSC 9 contains the results in narrative form of its proprietary generation capacity valuations; that its supplemental response to 2 MISO 7(c) contains data and calculations underlying the

results reported in response to 2 PSC Staff 9; and that its additional supplemental response to 2 MISO 7(c) and (d) contain additional analysis of capacity valuation and work papers.

DEK filed these responses with the Commission with separate requests for confidential treatment, asserting that the responses contained commercial information exempt from public disclosure under the Kentucky Open Records Act, KRS 61.878(1)(c). In granting the first two requests, the Commission concluded that “the information requested to be held confidential is of a proprietary nature, which if publicly disclosed would permit an unfair commercial advantage to [DEK]’s competitors.” (Letter from PSC to DEK dated September 10, 2010; Letter from PSC to DEK dated November 10, 2010). The third request remains pending.

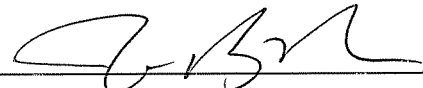
DEK provided the responses in question to the Midwest ISO as designated confidential information subject to a Confidentiality Agreement entered into between DEK and the Midwest ISO dated September 17, 2010. The Agreement restricts the Midwest ISO’ use of the information to its preparation for and participation in this proceeding.

The Midwest ISO submits that the Commission should classify its Brief Supplement as confidential because the Supplement contains information that the Commission has previously recognized as meeting the criteria for confidential treatment, as well as information of a similar nature that is subject to DEK’ s pending requests for confidential treatment. Additionally, the Commission accorded all of the information confidential treatment at the hearing of this matter in accordance with 807 KAR 5:001, Section 7(8). As such, the Midwest ISO respectfully requests that the Commission classify the Midwest ISO’ s Post-Hearing Brief Supplement as confidential pursuant to 807 KAR 5:001, Section 7.

Respectfully submitted,

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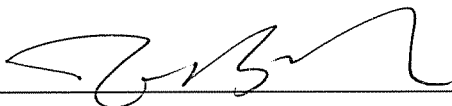
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By: 

COUNSEL FOR INTERVENOR MIDWEST INDEPENDENT
TRANSMISSION SYSTEM OPERATOR, INC.

CERTIFICATE of FILING and SERVICE

I hereby certify that on this the 19th day of November, 2010, the original and ten (10) copies of the foregoing were hand-delivered to the Commission for filing, and a copy was served, via U.S. Mail, first-class, postage prepaid, on each person at the address shown on the attached Service List.



Attorney for Midwest Independent
Transmission System Operator, Inc.

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