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**COMMONWEALTH OF KENTUCKY
BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

In The Matter of:

The Application of Duke Energy Kentucky, Inc.,)
for a Declaratory Order that the Construction)
of a New Landfill Constitutes an Ordinary) Case No. 2015-00089
Extension in the Usual Course of Business or,)
in the Alternative, for a Certificate of Public)
Convenience and Necessity.)

**PETITION OF DUKE ENERGY KENTUCKY, INC.
FOR CONFIDENTIAL TREATMENT OF INFORMATION
CONTAINED IN ITS RESPONSES TO COMMISSION STAFF'S
SECOND SET OF REQUESTS FOR INFORMATION**

Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), pursuant to 807 KAR 5:001, Section 13, respectfully requests the Commission to classify and protect certain information provided by Duke Energy Kentucky in its responses to Data Request Nos. 1 and 4, including attachments, as requested by Commission Staff (Staff) in this case on May 1, 2015. The information that Staff seeks through discovery and for which Duke Energy Kentucky now seeks confidential treatment (Confidential Information), shows the identify of third party vendors who provided price quotes for services requested by Duke Energy Kentucky and associated construction costs¹ and sensitive and confidential evaluations of the potential impact of the CCR rule on the East Bend Landfill ash pond.²

In support of this Petition, Duke Energy Kentucky states:

¹ See Data Request No. 1, including attachments.

² See Data Request No. 4.

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of that party. Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. The Commission's request in No. 1 seeks documentation of the market inquiries of third party vendors (Vendors). The identity of the Vendors should be afforded confidential protection - if disclosed, this would very likely impair Duke Energy Kentucky's relationship with these Vendors as it would publicly disclose the price this particular operator would charge Duke Energy Kentucky. Additionally, the confidential detailed costs of the construction associated with the East Bend Landfill are identified in the accompanying attachments. These costs were derived through a competitive bidding process, and if released would undermine future processes.

3. The response to Commission's request No. 4 provides information regarding Duke Energy Kentucky's evaluations of the impact of the CCR rule on the Company's operations. These evaluations are preliminary in nature and the Company is still evaluating the rule's final impact and possible strategies for compliance. If released, competitors and potential vendors would have access to the Company's business and compliance strategies and could use this information to disadvantage Duke Energy Kentucky in future negotiations for services.

4. The Confidential Information in response to Nos. 1 and 4 is distributed within Duke Energy Kentucky, only to those who must have access for business reasons, and is generally recognized as confidential and proprietary in the energy industry.

5. The Confidential Information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation.

6. Duke Energy Kentucky does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, with the Attorney General or other intervenors with a legitimate interest in reviewing the same for the purpose of participating in this case.

7. This information was, and remains, integral to Duke Energy Kentucky's effective execution of business decisions. And such information is generally regarded as confidential or proprietary. Indeed, as the Kentucky Supreme Court has found, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization Authority*, 904 S.W.2d 766, 768 (Ky. 1995).

8. In accordance with the provisions of 807 KAR 5:001, Section 13(3), the Company is filing one copy of the Confidential Information separately under seal, and ten copies without the confidential information included.

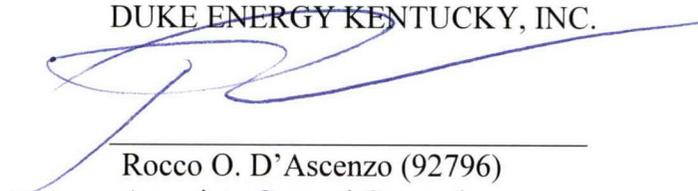
9. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests of the Company or its customers if publicly disclosed.

10. To the extent the Confidential information becomes generally available to the public, whether through filings required by other agencies or otherwise, Duke Energy Kentucky will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10)(a).

WHEREFORE, Duke Energy Kentucky, Inc., respectfully requests that the Commission classify and protect as confidential the specific information described herein.

Respectfully submitted,

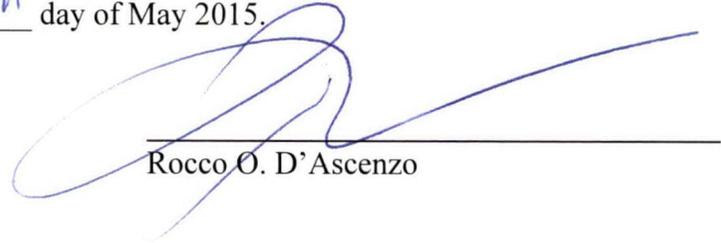
DUKE ENERGY KENTUCKY, INC.



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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served via overnight mail to the following party on this 8th day of May 2015.



Rocco O. D'Ascenzo

Hon. Gregory Dutton
Hon. Jennifer Hans
Office of the Attorney General
Utility Intervention and Rate Division
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