

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION)	
OF THE FUEL ADJUSTMENT CLAUSE)	
OF DUKE ENERGY KENTUCKY, INC.)	CASE NO. 2012-00554
FROM NOVEMBER 1, 2010 THROUGH)	
OCTOBER 31, 2012)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On March 1, 2013, Duke Energy Kentucky, Inc. ("Movant") filed a motion, pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the information it is requesting to be held confidential is contained in portions of responses to the Commission Staff's ("PSC") Request for Information Nos. 1, 5, 6, 9, 14, 25, 26 and 39 ("PSC 1", "PSC 5", "PSC 6", "PSC 9", "PSC 14", "PSC 25", "PSC 26" and "PSC 39" respectively).

The information is more particularly described as: (PSC 1) – concerning projected total kilowatt hours used to calculate base fuel costs; (PSC 5) – concerning projected fuel requirements both in tons and dollars; (PSC 6) – concerning sales forecasts in both kilowatt hours and dollars; (PSC 9) – concerning planned outages and maintenance schedules by plant; (PSC 14) – concerning scheduled, actual and forced outages; (PSC 25) – concerning written solicitations for coal supplies; (PSC 26) – concerning oral solicitations for coal supplies; and, (PSC 39) – concerning economic dispatch data for each of Movant's generating units.

Movant states that the information contained in the responses to PSC 1, PSC 5, and PSC 6, together, if made public, could provide marketing competitors and fuel vendors with knowledge regarding Movant's operating costs and commodity positions that could allow them potentially to manipulate the marketplace and raise the price of electricity. Movant states that the information contained in the responses to PSC 9, and PSC 14 could reveal the unique operational characteristics of Movant's generating units and could provide Movant's contractors and vendors an advantage because they could anticipate maintenance schedules and would disadvantage Movant in negotiating with prospective contractors and vendors. Movant states that the information contained in the responses to PSC 25 and PSC 26, if disclosed, would give Movant's vendors a commercial advantage in responding to future coal solicitations. Movant also states that the information contained in the response to PSC 39, if disclosed, would give Movant's competitors and fuel vendors knowledge regarding Movant's operating costs and would allow them potentially to manipulate the marketplace and unnecessarily raise electricity costs.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The responses to PSC 5, PSC 6, PSC 9, PSC 25, PSC 26 and PSC 39 for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

2. The second paragraph of the response to PSC 1 meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

3. The first paragraph of the response to PSC 1 does not meet the criteria for confidential treatment pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

4. The response to PSC 14 does not meet the criteria for confidential treatment pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted in part and denied in part.

2. Movant's request for confidential treatment of information relating to the response to PSC 14 is denied.

3. Movant's request for confidential treatment of information relating to the first paragraph of the response to PSC 1 is denied.

4. Movant's request for confidential treatment of information relating to the second paragraph of the response to PSC 1 is granted.

5. Movant's request for confidential treatment of information relating to the responses to PSC 5, PSC 6, PSC 9, PSC 25, PSC 26 and PSC 39 is granted.

6. The responses to PSC 5, PSC 6, PSC 9, PSC 25, PSC 26 and PSC 39 should not be placed in the public record or made available for public inspection for a period of ten years from the date of this Order.

7. The information contained in the second paragraph of the response to PSC 1 should not be placed in the public record or made available for a period of ten years from the date of this Order.

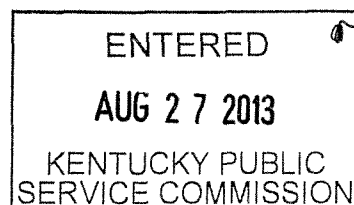
8. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

9. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

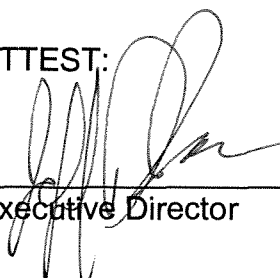
10. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

11. The Commission shall not make the requested materials available for inspection 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission



ATTEST:



Executive Director

Case No. 2012-00554

Rocco D'Ascenzo
Senior Counsel
Duke Energy Kentucky, Inc.
139 East Fourth Street
P. O. Box 960
Cincinnati, OH 45201