

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. TO IMPLEMENT A	)	
HEDGING PROGRAM TO MITIGATE	)	CASE NO. 2012-00180
PRICE VOLATILITY IN THE	)	
PROCUREMENT OF NATURAL GAS	)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On May 15, 2014, Duke Energy Kentucky, Inc. ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection. The information Movant seeks to have treated as confidential is contained in its Annual Report on Hedging Activity for April 1, 2013, through March 31, 2014, and Report on Ongoing Gas Hedging Activity for Future Gas Deliveries. Movant states that these documents contain sensitive and confidential information relating to the volumes of gas that Movant purchased through the use of hedging instruments.

Movant states that disclosure of this information would damage Movant by alerting suppliers as to how much gas Movant intends to purchase through hedging instruments at any particular point in time and could allow suppliers to raise the cost of their hedging instruments to Movant, thus making it more costly to Movant to acquire hedging instruments for future gas supply. Movant also states that certain attachments contain copyrighted documents, published by PIRA Energy Group, which are not available for reproduction to the general public and have been obtained through paid

company subscriptions. Duke states that it does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to the Attorney General or other intervenors with a legitimate interest in reviewing the same. Finally, Movant states that the Commission has treated the same information described herein as confidential in this case,<sup>1</sup> as well as in a previous case.<sup>2</sup>

Based on a review of the information and pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, the Commission finds that disclosure of the information requested to be held confidential would minimize competition among Movant's prospective gas suppliers and would permit an unfair commercial advantage. The Commission also finds that disclosure of certain information contained in particular attachments would infringe upon copyright protection, and that the information therefore meets the criteria for confidential protection. The Commission also finds that this information should be maintained as a non-public part of the Commission's Post Case Referenced Correspondence file until July 14, 2024, a period of ten years from the date of this Order.

Finally, the Commission finds that the procedure for use of confidential materials during formal proceedings is found at 807 KAR 5:001, Section 13(9) and that if the information becomes publicly available or no longer warrants confidential treatment, Movant should inform the Commission so that the information may be placed in the public record, pursuant to 807 KAR 5:001, Section 13(10).

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<sup>1</sup> Letter from Jeff DeRouen, Executive Director, Public Service Commission, to Rocco O. D'Ascenzo, Duke Energy Business Services, LLC (July 20, 2012).

<sup>2</sup> Case No. 2011-00091, *Application of Duke Energy Kentucky, Inc. to Implement a Hedging Program to Mitigate Price Volatility in the Procurement of Natural Gas*, Letter from Jeff Derouen, Executive Director, Public Service Commission, to Rocco O. D'Ascenzo, Duke Energy Business Services, LLC (Mar. 31, 2011).

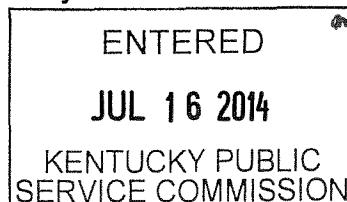
IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.
2. The materials for which Movant seeks confidential treatment shall neither be placed in the public record nor made available for public inspection until July 14, 2024, a period of ten years.
3. Use of the materials in question in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Movant 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, the 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.
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 Movant to seek a remedy afforded by law.

ATTEST:

  
Executive Director

By the Commission



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