

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DUKE ENERGY KENTUCKY, INC.'S ANNUAL) CASE NO.
COST RECOVERY FILING FOR DEMAND SIDE) 2015-00368
MANAGEMENT)

ORDER

On February 1, 2016, Duke Energy Kentucky, Inc. ("Duke Kentucky") moved, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c), 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 for confidential protection, Duke Kentucky states that the information it is requesting to be held confidential is contained in the attachment to its response to Commission Staff's First Request for Information ("Staff's First Request"), Item 7. The information for which confidential protection is requested is more particularly described as avoided costs related to its demand-side management programs. Duke Kentucky stated that if the material is disclosed, it could create a commercial advantage for its competitors.

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

1. The materials for which Duke Kentucky seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

2. Pursuant to KRS 61.878, the materials for which Duke Kentucky requests confidential protection should not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of the Commission.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion for confidential protection for its attachment to Staff's First Request, Item 7, is granted.

2. Pursuant to KRS 61.878, the information for which Duke Kentucky requests confidential protection shall not be placed in the public record or made available for public inspection for ten years from the date of this Order, or until further Order of the Commission.

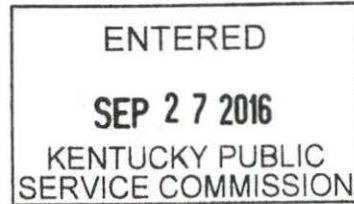
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Duke Kentucky 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, Duke Kentucky 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 Duke Kentucky is unable to make such demonstration, the requested materials shall be made available for inspection.

6. The Commission shall not make the materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Duke Kentucky to seek a remedy afforded by law.

By the Commission



ATTEST:


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