

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	
CLAUSE OF DUKE ENERGY KENTUCKY, INC.)	CASE NO.
FROM NOVEMBER 1, 2014 THROUGH OCTOBER)	2017-00005
31, 2016)	

ORDER

On February 20, 2017, Duke Energy Kentucky, Inc. ("Duke") filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of responses 1, 5, 6, 9, and 25 to the information requested in an Appendix to the Commission's Order dated February 6, 2017.

Specifically, Duke seeks confidential treatment of: 1) projected total kilowatt hours used to calculate base fuel costs ("Response No. 1"); 2) projected fuel requirements both in times and dollars ("Response No. 5"); 3) sales forecasts in both kilowatt hours and dollars ("Response No. 6"); 4) planned future outages and maintenance schedules by plant ("Response No. 9"); and 5) written solicitation for coal supplies ("Response No. 5").

As the basis for its request, Duke states that public disclosure of Responses 1, 5, 6, 9, and 25 could give a competitive advantage to direct competitors and fuel vendors that could result in higher prices to the Duke's customers. Duke requests that the information in Responses 1, 5, 6, 9, and 25 remain confidential for ten years.

On March 20, 2017, Duke filed a second petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of Duke's response No. 3 to Commission Staff's Second Request for Information from Duke, dated March 6, 2017, ("Second Response No. 3").

Specifically, Duke is seeking confidential treatment of information relating to internal work processes and procedures for managing Duke's generating assets and for bidding such resources into the competitive energy and capacity markets.

As the basis for the request, Duke states that public disclosure of the information in Second Response No. 3 could give a competitive advantage to Duke's direct competitors to the detriment of Duke's customers. Duke requests that the information in Second Response No. 3 remain confidential for ten years.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Responses 1, 5, 6, 9, and 25 and Second Response No. 3 is generally recognized as confidential or proprietary, and therefore 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.

IT IS THEREFORE ORDERED that:

1. Duke's petition for confidential protection for Responses 1, 5, 6, 9, and 25 and Second Response No. 3 is granted. These items shall not be placed in the public record or made available for ten years, or until further Orders of this Commission.

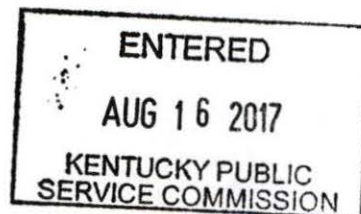
2. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

3. Duke shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

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

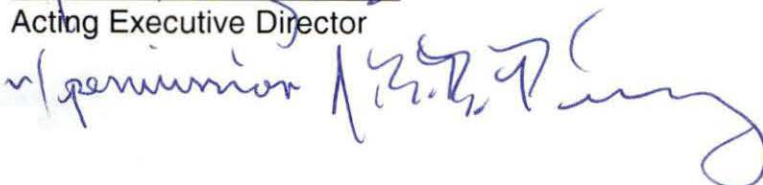
5. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Duke to seek a remedy afforded by law.

By the Commission



ATTEST:


Acting Executive Director



Case No. 2017-00005

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