

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS)	
ADJUSTMENT OF DUKE ENERGY)	CASE NO.
KENTUCKY, INC.)	2018-00143

ORDER

On August 9, 2018, Duke Energy Kentucky, Inc. (Duke Kentucky), filed a petition pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, requesting that materials filed in response to Commission Staff's Request for Information issued in Appendix B of the May 23, 2018 final order in this proceeding be afforded confidential treatment for a period of ten years. Duke Kentucky's petition specifically requested confidential treatment of its attachments to Staff-DR-01-001, Staff-DR-01-002, Staff-DR-01-007, Staff-DR-01-008, and Staff-DR-01-014, along with the chart included in its response to Staff-DR-01-007. STAFF-DR-01-001 and STAFF-DR-01-002 include contracts between Duke Kentucky and its suppliers; STAFF-DR-01-007 includes contracts between Duke Kentucky and asset managers, along with payments received from those asset managers; STAFF-DR-01-008 includes bids from suppliers in response to Duke Kentucky's request for proposals; and STAFF-DR-01-014 includes Duke Kentucky's strategic plan.

In support of its motion, Duke Kentucky claims that the disclosure of the specified materials would permit an unfair commercial advantage to competitors of Duke Kentucky

under KRS 61.878(1)(c).¹ Duke Kentucky also claims the specified materials contain information that, if disclosed, would reveal commercially valuable information about the manner in which Duke Kentucky conducts solicitations for natural gas to meet its customer demand and would reveal bid data gathered from a high percentage of companies in the industry.² Duke Kentucky contends that if the specified information were disclosed, it would have the potential to cause market manipulations in the future and may impair Duke Kentucky's ability to conduct further solicitations by chilling the response from potential suppliers,³ and may give competitors an advantage in bidding for and securing new resources.⁴ Duke Kentucky further contends that said information would reveal the business model Duke Kentucky uses, the procedure it follows and the factors and inputs it considers in evaluating the economic viability of various generation-related projects⁵ and would give Duke Kentucky's contractors, vendors, and competitors access to its cost and operational parameters and insight into its contracting practices.⁶ Duke Kentucky avers that this would impair its ability to negotiate with prospective contractors and vendors; and could harm Duke Kentucky's competitive position, ultimately affecting the costs to serve its customers.⁷

¹ Petition of Duke Energy Kentucky, Inc. For Confidential Treatment of Certain Information Contained in Its Responses to Staff's First Set of Data Requests, Page 2 (filed August 9, 2018).

² *Id.*

³ *Id.*

⁴ *Id.* at 3.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

Having carefully considered the motion and the materials at issue, the Commission finds that the designated materials for which Duke Kentucky seeks confidential treatment are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, would permit an unfair commercial advantage to competitors, and therefore 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.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion for confidential protection for the designated materials contained in the response to the Commission Staff's Request for Information issued in Appendix B of the May 23, 2018 final order in this proceeding is granted.

2. The designated materials shall not be placed in the public record or made available for public inspection for a period of ten years.

3. Use of the materials in question in any 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, 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.

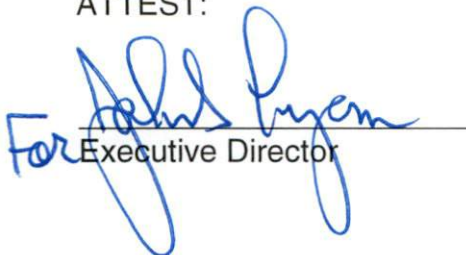
6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Duke Kentucky to seek a remedy afforded by law.

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By the Commission

ENTERED
OCT 17 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00143

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