

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. FOR AUTHORIZATION OF	)	CASE NO.
PARTIAL CHANGES IN SERVICE TERRITORY	)	2019-00128
WITH OWEN COUNTY ELECTRIC COOPERATIVE,	)	
INC.	)	

ORDER

On August 15, 2019, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that materials filed in response to correspondence with the Commission be afforded confidential treatment indefinitely. Duke Kentucky's petition specifically requested confidential treatment of the quadrangle boundary map.

In support of its petition, Duke Kentucky contends that the quadrangle boundary map includes detailed information regarding critical infrastructure necessary to deliver safe and reliable electric service to its customers. Duke Kentucky argues that the public release of this information would create a security risk for Duke Kentucky and its customers.<sup>1</sup>

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials for which Duke Kentucky seeks confidential treatment are records that, if openly disclosed, would have a reasonable

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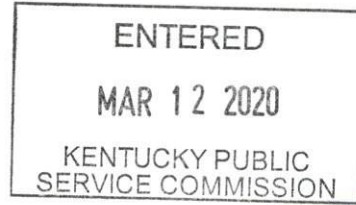
<sup>1</sup> Duke Kentucky filed the petition under KRS 61.878(1)(c), but because it references critical infrastructure information the public disclosure of which would create a security risk for Duke Kentucky and its customers, we will review the petition under KRS 61.878(1)(m).

likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(m) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential protection for designated materials contained in the response to correspondence with the Commission is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection until further Orders of this Commission.
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 30 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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Executive Director

\*Debbie Gates  
Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45201

\*Dianne Kuhnell  
Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45201

\*Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45202

\*Owen Electric Cooperative, Inc.  
8205 Highway 127 North  
P. O. Box 400  
Owenton, KY 40359

\*Rocco O D'Ascenzo  
Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45201