

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE)	
ENERGY KENTUCKY, INC. FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A 138 KV)	CASE NO.
TRANSMISSION LINE AND ASSOCIATED)	2019-00251
FACILITIES IN BOONE COUNTY, KENTUCKY)	
(OAKBROOK TO AERO TRANSMISSION LINE)	
PROJECT))	

ORDER

This matter arises on a petition filed on August 26, 2019, by Duke Energy Kentucky (Duke Kentucky), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection until the facilities are no longer in service.

In support of its petition filed on August 26, 2019, Duke Kentucky states that public disclosure of the designated materials contained in Exhibits 2, 3, 4, and pages 31, 32, and 33 of Exhibit 6 to its application for a Certificate of Public Convenience and Necessity is exempted by KRS 61.878(1)(m)(1) because the Exhibits contain detailed maps, drawings, depictions, locations, and schematic drawings pertaining to critical infrastructure whose public disclosure would pose a threat to public safety.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Duke Kentucky's August 26, 2019 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(m)(1).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's August 26, 2019 petition for confidential protection is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection until the facilities are no longer in service, or until further Orders of this Commission.
3. Use of the designated materials 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 designated materials become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, Duke Kentucky shall have 30 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. Otherwise, the Commission shall deny the request for inspection.
6. The Commission shall not make the designated 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

ENTERED
JAN 21 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00251

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

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

*Minna Sunderman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

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