

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)	CASE NO.
CONSTRUCT A 138 KV TRANSMISSION LINE)	2019-00251
AND ASSOCIATED FACILITIES IN BOONE)	
COUNTY, KENTUCKY (OAKBROOK TO AERO)	
TRANSMISSION LINE PROJECT))	

ORDER

This matter arises on a petition filed by Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to KRS 61.878(1)(m) and 807 KAR 5:001, Section 13, requesting confidential treatment for certain responses to Commission Staff’s Second Request for Information. Specifically, Duke Kentucky states that responses to Commission Staff’s Second Request for Information, Request Nos. 2 and 5(b) and (c) include critical utility infrastructure and customer account information. Duke Kentucky requests that the designated information be withheld from public disclosure until such time as the facilities depicted therein are no longer in service or be withheld indefinitely.

Duke Kentucky maintains that its response to Request No. 2 contains confidential records and analyses that include and contain detailed depictions, locations schematic drawings, and maps of confidential utility infrastructure, which is protected for security and safety reasons. Duke Kentucky states that if its response to Request No. 2 was publicly released, this information would provide details regarding utility infrastructure that, in the wrong hands, could be exploited and used in ways that could create security

and potential public safety risks. Duke Kentucky maintains that the information contained in its response to Request No. 5(b) and (c) contain specific customer information, including the names, contact information, addresses, and email addresses. Duke Kentucky states that this information is generally recognized as confidential in the energy industry.

Having carefully considered the petition and the material at issue, the Commission finds that the designated information contained in Duke Kentucky's response to Commission Staff's Second Request for Information, Request No. 2 is generally recognized as confidential and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(m)(1) and 807 KAR 5:001, Section 13. As to Duke Kentucky's response to Commission Staff's Second Request for Information, Request No. 5(b) and (c), although the Commission finds that the designated information is generally recognized as confidential, it does not meet the criteria for KRS 61.878(1)(m)(1) as argued by Duke Kentucky. Instead, the Commission finds that the designated information Request Nos. 5(b) and (c) is exempt as confidential under KRS 61.878(1)(a) as these records contain information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential treatment for its responses to Commission Staff's Second Request for Information, Request Nos. 2 and 5(b) and (c) is granted.

2. Duke Kentucky's request to keep its response to Request No. 2 out of the public record and not be subject to public inspection until such time as the facilities

depicted therein are no longer in service is granted. Duke Kentucky's request to keep its response to Request Nos. 5(b) and (c) out of the public record and not subject to public inspection indefinitely is granted.

3. The designated material in Request No. 2 shall not be placed in the public record or made available for public inspection until such time as the facilities depicted therein are no longer in service, or until further Orders of this Commission. The designated material in Request Nos. 5(b) and (c) shall not be placed in the public record or made available for public inspection indefinitely, or until further Orders of this Commission.

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

5. Duke Kentucky shall inform the Commission if the information in question becomes publicly available or no longer qualifies for confidential treatment.

6. 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, then 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.

7. 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

ENTERED
MAR 18 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2019-00251

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