

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF DUKE)	
ENERGY KENTUCKY, INC. OF A NATURAL)	CASE NO.
GAS SERVICE MINIMUM USAGE)	2020-00041
AGREEMENT AND A PETITION FOR)	
CONFIDENTIAL TREATMENT)	

ORDER

On March 23, 2020, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for ten years for portions of Duke Kentucky's response to Commission Staff's First Request for Information (Staff's First Request) related to a specific customer's account information, load information, and amount and pricing of services.

In support of its motion, Duke Kentucky stated that the designated materials include customer specific usage information that if made public would provide an unfair advantage to competitors. Duke Kentucky explained that it entered into a non-disclosure agreement with the customer to keep their identity and load information confidential, and that the designated material is generally recognized as confidential and proprietary in the gas industry. Duke Kentucky further explained that the Commission granted confidential protection to similar material in a previous matter.¹

¹ Case No. 2016-00168, *Electronic Application of Duke Energy Kentucky, Inc. for a Certificate of Public Convenience and Necessity Authorized the Construction of a Gas Pipeline from Walton, Kentucky to Big Bone, Kentucky* (Ky. PSC July 27, 2017).

Having considered the motion and the material at issue, the Commission finds that the designated materials are generally recognized as confidential or proprietary, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's March 23, 2020 motion for confidential protection for is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the materials in question 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 materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect the 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 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:

A handwritten signature in blue ink, consisting of stylized initials and a surname, positioned above a horizontal line.

Executive Director

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