

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| ELECTRONIC APPLICATION OF DUKE ENERGY) | CASE NO. |
| KENTUCKY, INC. TO AMEND ITS DEMAND SIDE) | 2021-00313 |
| MANAGEMENT PROGRAMS) | |

ORDER

On October 21, 2021, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for a period of ten years for the price Duke Kentucky pays for a load control device.

In support of its motion, Duke Kentucky argued that the price, the only redacted part of the utility's response to Commission Staff's First Request for Information (Staff's First Request), Item 7, should be given confidential treatment pursuant to KRS 61.878(m). Duke Kentucky averred that the disclosure of the price Duke Kentucky negotiated for the load control device might affect Duke Kentucky's future negotiations with other vendors and disadvantage the company in the marketplace.

Having considered the motion and the material at issue, the Commission finds that the price of the load control device is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(m). The Commission also notes that the information shall be given confidential treatment pursuant at KRS 61.878(1)(c)(1) as well. The load control device could be regarded as critical

infrastructure as the utility may use them to lower the utility's peak forecasts. The disclosure of the device price could disadvantage Duke Kentucky in future negotiations with vendors.


IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order 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 designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Duke Kentucky shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has 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 material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Duke Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no

longer qualifies for confidential treatment in order to allow Duke Kentucky to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman

Commissioner

ENTERED
JUL 01 2022 bsk
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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