

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of the Application of Duke Energy )  
Kentucky, Inc., to Amend its Demand-Side ) Case No. 2014-00280  
Management Programs )

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**PETITION OF DUKE ENERGY KENTUCKY, INC.  
FOR CONFIDENTIAL TREATMENT OF INFORMATION CONTAINED IN ITS NON-  
RESIDENTIAL SMALL BUSINESS ENERGY SAVER VENDOR CONTRACT**

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Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), pursuant to 807 KAR 5:001, Section 13, respectfully requests the Commission to classify and protect certain information in Duke Energy Kentucky's Non-Residential Small Business Energy Saver third-party vendor contract, as Ordered by Commission Staff (Staff) in this case on January 28, 2015. The information contained in the contract, including attachments, and for which Duke Energy Kentucky now seeks confidential treatment (Confidential Information), includes sensitive information regarding vendor services provided to Duke Energy Kentucky, as well as its parent company, Duke Energy Ohio, Inc (Duke Energy Ohio). Duke Energy Kentucky and Duke Energy Ohio have an agreement with this third party not to release this information to the general public.

In support of this Petition, Duke Energy Kentucky states:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878 (1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of that party. Public disclosure of

the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. The public disclosure of the information described in this third-party contract contains sensitive information, the disclosure of which would injure Duke Energy Kentucky and its competitive position and business interest. Duke Energy Corporation's Market Solutions organization, located within Duke Energy Business Services LLC,<sup>1</sup> is responsible for the procurement of energy efficiency education and incentive programs in the Duke Energy Corporate footprint and thus its policies and procedures are all-encompassing and include multiple jurisdictions. The public disclosure of the information described above would place Duke Energy Kentucky and its parent utility, Duke Energy Ohio, at a commercial disadvantage as they collectively negotiate contracts with various suppliers and vendors and could potentially harm Duke Energy Kentucky's competitive position in the marketplace, to the detriment of Duke Energy Kentucky and its customers. Moreover, this information involves the prices for services provided by vendors who compete for these contracts.

The public disclosure of this information would put these vendors at a competitive disadvantage in that it would allow their direct competitors to have access to pricing and terms and conditions that were negotiated with Duke Energy Business Services. Because this blanket contract involves services provided in jurisdictions beyond Kentucky, the release of this information could potentially harm Duke Energy Kentucky's affiliated utilities and respective customers as well.

Competitors could use this information to manipulate their own prices and put Duke Energy Kentucky or its utility affiliates at a commercial disadvantage in negotiations for

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<sup>1</sup> Duke Energy Business Services LLC is a service company that provides various administrative services to all utilities within the Duke Energy Corporation family of companies.

similar services going forward. Competitors could use this information to manipulate their own prices and put Duke Energy Kentucky or its affiliates at a commercial disadvantage in negotiations for similar services going forward.

3. Duke Energy Kentucky requests confidential protections for certain third-party data contained in this third-party contract. Duke Energy Kentucky is contractually bound to maintain such information confidential.

4. The information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation. Duke Energy Kentucky does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, with the Attorney General or other intervenors with a legitimate interest in reviewing the same for the purpose of participating in this case.

5. This information was, and remains, integral to Duke Energy Kentucky's effective execution of business decisions. And such information is generally regarded as confidential or proprietary. Indeed, as the Kentucky Supreme Court has found, "information concerning the inner workings of a corporation is generally accepted as confidential or proprietary." *Hoy v. Kentucky Industrial Revitalization Authority*, 904 S.W.2d 766, 768 (Ky. 1995).

6. In accordance with the provisions of 807 KAR 5:001 Section 13, the Company is filing with the Commission one copy of the Confidential Information separately under seal. Duke Energy Kentucky requests confidential treatment of the entire contract.

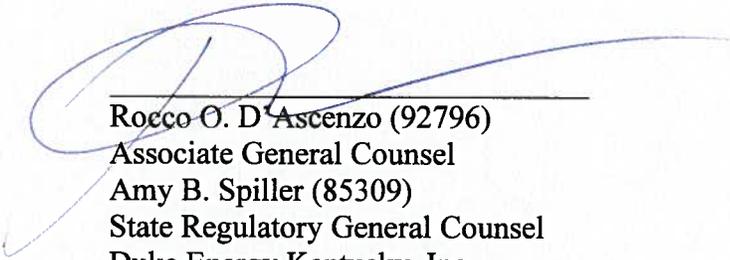
7. Duke Energy Kentucky respectfully requests that the Confidential by withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests of the Company or its customers if publicly disclosed.

8. To the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or otherwise, Duke Energy Kentucky will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10)(a).

WHEREFORE, Duke Energy Kentucky, Inc. respectfully requests that the Commission classify and protect as confidential the specific information described herein.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

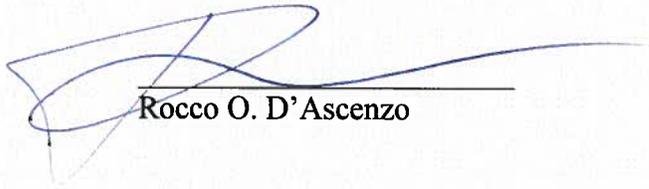


Rocco O. D'Ascenzo (92796)  
Associate General Counsel  
Amy B. Spiller (85309)  
State Regulatory General Counsel  
Duke Energy Kentucky, Inc.  
139 East Fourth Street, 1303 Main  
Cincinnati, Ohio 45201-0960  
Phone: (513) 287-4320  
Fax: (513) 287-4385  
e-mail: [rocco.d'ascenzo@duke-energy.com](mailto:rocco.d'ascenzo@duke-energy.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing filing was served on the following via electronic mail, postage prepaid, this 12<sup>th</sup> day of February 2015:

Jennifer Hans The Kentucky Office of the Attorney General 1024 Capital Center Drive Frankfort, Kentucky 40602-2000 <a href="mailto:jennifer.hans@ag.ky.gov">jennifer.hans@ag.ky.gov</a>	Richard Raff Public Service Commission 211 Sower Boulevard, P.O. Box 615 Frankfort, Kentucky 40602-0615 <a href="mailto:Richard.Raff@ky.gov">Richard.Raff@ky.gov</a>
Florence W. Tandy Northern Kentucky Community Action Commission 717 Madison Avenue Covington, Kentucky 41011 <a href="mailto:ftandy@nkcac.org">ftandy@nkcac.org</a>	Peter Nienaber Legal Aid of the Bluegrass 104 E. Seventh Street Covington, Kentucky 41011 <a href="mailto:pnienaber@lablaw.org">pnienaber@lablaw.org</a>

  
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Rocco O. D'Ascenzo