

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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**PUBLIC SERVICE
COMMISSION**

IN THE MATTER OF:

THE APPLICATION OF DUKE ENERGY)
KENTUCKY, INC. FOR AN ORDER)
APPROVING THE ESTABLISHMENT OF) CASE NO. 2015-00187
A REGULATORY ASSET FOR THE)
LIABILITIES ASSOCIATED WITH)
ASH POND ASSET RETIREMENT)
OBLIGATIONS)

DUKE ENERGY KENTUCKY, INC.'S
PETITION FOR THE CONFIDENTIAL TREATMENT OF CERTAIN
INFORMATION CONTAINED IN ITS RESPONSES TO STAFF'S FIRST SET
OF DATA REQUESTS

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 provided by Duke Energy Kentucky filed in response to STAFF-DR-01-001 and STAFF-DR-01-003. The information contained in STAFF-DR-01-001 CONF Attachment and Confidential STAFF-DR-01-003 Attachment (Attachments) which Duke Energy Kentucky now seeks confidential treatment (Confidential Information), includes forecasted projected costs.

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 information submitted and for which the Company is seeking confidential protection are the Attachments which contain Duke Energy Kentucky's proprietary forecasted projected costs. More specifically, Confidential Attachment to STAFF-DR-01-001 shows calculations of the expected cash flows and environmental costs to comply with Federal mandates, along with screen shots from the PowerPlan system of the various inputs for the fair value calculation. If made public, this information would provide economically valuable information that would give the Company's vendors and competitors a distinct commercial advantage. This information, if released publicly, would provide detailed cost estimates of what the Company is forecasting it will incur. This information could be used by potential counter parties to undermine the Company's efforts to reduce costs ultimately harming customers. Similarly, Confidential Attachment to STAFF-DR-01-003 provides detailed forecasts of costs and accounting adjustments decades into the future. This information, if released publicly, would provide competitors with detailed information regarding Duke Energy Kentucky's operations that they could then use to disadvantage the Company and its customers.

3. The Confidential Information is distributed within Duke Energy Kentucky, only to those who must have access for business reasons, and is generally recognized as confidential and proprietary in the energy industry.

4. The Confidential Information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation.

5. 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.

6. 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).

7. In accordance with the provisions of 807 KAR 5:001, Section 13(3), the Company is filing one copy of the Confidential Information separately under seal, and one copy without the confidential information included.

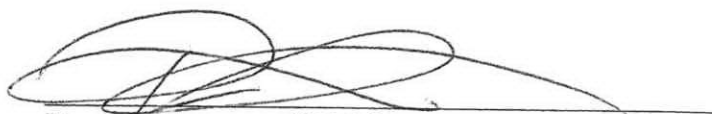
8. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests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

9. 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.

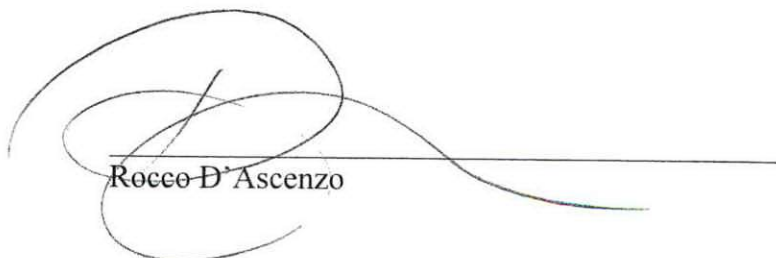


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served on the following via overnight mail, this 24th day of July, 2015:

Kentucky Public Staff
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky, 40601



Rocco D'Ascenzo