

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On November 2, 2015, Duke Energy Kentucky, Inc. ("Duke Kentucky") filed a petition, pursuant to KRS 61.878(1)(m) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of Duke Kentucky's responses to Commission Staff's Fourth Request for Information ("Staff's Fourth Request"). Duke Kentucky requests that attachments to its responses to Staff's Fourth Request, Items 6 and 9, remain confidential for a period of ten years. The attachment to Duke Kentucky's response to Staff's Fourth Request, Item 6, contains a detailed assessment of the condition of the East Bend ash pond containment structures and their viability for the term expected for reliable service. The attachment to Duke Kentucky's response to Staff's Fourth Request, Item 9, contains the most recent inspection report of the East Bend ash pond.

In support of its petition, Duke Kentucky states that the designated materials contain confidential and critical utility infrastructure information, which, if publicly disclosed, could create security and public safety risks, and thus is generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(m(1)).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in the attachments to Duke Kentucky's responses to Staff's Fourth Request, Items 6 and 9, are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, would have a reasonable likelihood of threatening the public safety, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(m)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion for confidential protection for the attachments to its responses to Staff's Fourth Request, Items 6 and 9, is granted.

2. The materials set forth in the attachments to Duke Kentucky's responses to Staff's Fourth Request, Items 6 and 9, shall not be placed in the public record or made available for public inspection for a period of ten years, or until further Orders 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).

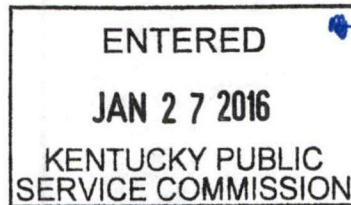
4. Duke Kentucky shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect 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 20 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 20 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:

*Carson D. Greenwell*  
Executive Director *for*

\*Rocco O D'Ascenzo  
Duke Energy Kentucky, Inc.  
139 East Fourth Street  
P. O. Box 960  
Cincinnati, OH 45201

\*Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45202