

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHARLENE MARIE WYATT)	
)	
COMPLAINANT)	
V.)	CASE NO.
)	2015-00309
DUKE ENERGY KENTUCKY, INC.)	
)	
DEFENDANT)	

ORDER

On February 22, 2016, Duke Energy Kentucky, Inc. ("Duke Kentucky") moved, pursuant to 807 KAR 5:001, Section 13, that certain material filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Duke Kentucky states that the material in question is located in its responses to the February 2, 2016 Commission Staff's Initial Request for Information ("Staff's Request"), Items 1–3, customer names and account numbers, is customer-specific information of the Complainant and non-parties to this proceeding, and that if made public, this personal information could invite criminal activities such as fraud and/or identity theft. Duke Kentucky states that this information is protected as confidential by KRS 61.878(1)(c). Duke Kentucky requests that the responses to the Staff's Request, Items 1–3, be granted confidential treatment for a period of ten years from the date that the customer ceases to be Duke Kentucky's customer.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The material for which Duke Kentucky seeks confidential treatment is a record containing information which is generally recognized as confidential or proprietary, and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. The responses to Staff's Request for which Duke Kentucky seeks confidential treatment should not be placed in the public record or made available for public inspection within ten years from the date that the persons identified in the confidential material cease to be Duke Kentucky's customer.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion for confidential protection for its responses to Staff's Request, Items 1–3, is granted.

2. The responses to Staff's Request for which Duke Kentucky seeks confidential treatment shall not be placed in the public record or made available for public inspection within ten years from the date that the persons identified in the confidential material cease to be Duke Kentucky's customer.

3. If Duke Kentucky objects to the time limits that the Commission has placed on the confidential treatment for the material in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410.

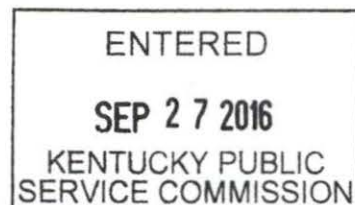
4. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Duke Kentucky shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

6. If a non-party to this proceeding requests to inspect material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not run, Duke Kentucky shall have 20 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.

7. The Commission shall not make the materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow the Duke Kentucky to seek a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

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