

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DUKE ENERGY KENTUCKY, INC. ALLEGED ) CASE NO.  
FAILURE TO COMPLY WITH KRS 278.042 ) 2016-00349

ORDER

This matter arises on a petition filed on November 23, 2016, by Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for ten years.

In support of its petition filed on November 23, 2016, Duke Kentucky states that public disclosure of the designated materials contained in Duke Kentucky's response to Staff's Request for Information 1-1, Attachments 1 and 2 (Attachments) would result in competitive injury by disclosing proprietary and confidential information.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Duke Kentucky's November 23, 2016 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's November 23, 2016 petition for confidential protection is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission.

3. Use of the designated materials 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 designated materials become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have 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 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 designated materials available for inspection for 30 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

ENTERED  
MAR 08 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2016-00349

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