

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE BACK-UP POWER SUPPLY PLAN) CASE NO.
OF DUKE ENERGY KENTUCKY, INC.) 2017-00117

ORDER

On April 24, 2017, Duke Energy Kentucky, Inc. ("Duke Kentucky") filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to certain information provided by Duke Kentucky in its responses to Commission Staff's First Request for Information ("Staff's First Request"). The designated material for which confidential protection is requested is contained in Duke Kentucky's responses to Staff's First Request, Items 1, 2, and 4, and is more specifically described as Duke Kentucky's calculations for its future planning reserve margins, estimated costs and results of Duke Kentucky's hedging strategies, and forecasted capacity obligations in PJM Interconnection LLC.

As a basis for its request, Duke Kentucky states that the designated material includes sensitive and proprietary market analysis and estimated production costs for Duke Kentucky. Duke Kentucky asserts that public disclosure of the designated material would allow competitors of Duke Kentucky to gain an unfair commercial advantage, and thus is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Duke Kentucky's responses to Staff's First

Request, Items 1, 2, and 4, is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential protection for the designated material contained in Duke Kentucky's responses to Staff's First Request, Items 1, 2, and 4, is granted.

2. The designated material contained in Duke Kentucky's responses to Staff's First Request, Items 1, 2, and 4, 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 material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

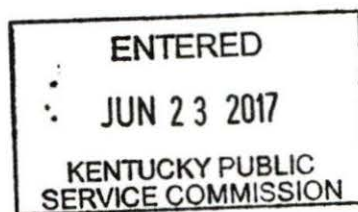
4. Duke Kentucky shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, then 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

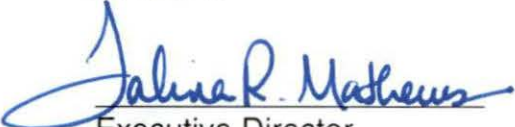
made available for inspection. Otherwise, the Commission shall deny the request for inspection.

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

By the Commission



ATTEST:


Executive Director

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