

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2018 INTEGRATED)	CASE NO.
RESOURCE PLAN OF DUKE ENERGY)	2018-00195
KENTUCKY, INC.)	

ORDER

This matter arises on petitions filed by Duke Energy Kentucky (Duke Kentucky) on June 22, 2018, contemporaneous with its 2018 Integrated Resource Plan (IRP) and on April 17, 2019, pursuant to 807 KAR 5:001, Section 13, requesting that designated material filed with the Commission be afforded confidential protection.

In the June 22, 2018 petition, Duke Kentucky requested confidential treatment for system maps and information considered to be Critical Energy Infrastructure Information (CEII) for an indefinite period, and for Figures 4.5, 4.6, 4.7, 4.8, Tables 4.1 A.2, A.5 and text contained on pages 31 and 32, material containing commercial information the disclosure of which would competitively disadvantage Duke Kentucky, for ten years.

As a basis for its June 22, 2018 request, Duke Kentucky explained the CEII material consists of maps containing detailed information regarding the production, generation, transportation, or distribution of energy and that public disclosure of such information would create a security risk for Duke Kentucky and its customers and is prohibited pursuant to KRS 61.878(1)(m). Duke Kentucky further explained that the designated material in Figures 4.5, 4.6, 4.7, 4.8, Tables 4.1 A.2, A.5 and text contained on pages 31 and 32 of its 2018 IRP contains operations and management costs, projected

fuel and environmental compliance forecasted costs, power market prices and projected capacity, and resource alternative capital costs, along with supply-side screening curves and resource evaluations, and third party owned and licensed modeling tools, which are generally accepted as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c).

In the April 17, 2019 petition, Duke Kentucky requested confidential treatment for Items 9 and 10 of its response to Commission Staff's Second Request for Information issued on March 27, 2019, (Staff's Second Request for Information) for ten years. As a basis for its request, Duke Kentucky explained the information contained in the designated material consists of third-party modeling tools subject to confidentiality agreements and subscription-based usage restrictions. Duke Kentucky explained public disclosure of this information would place it at a competitive disadvantage by creating a chilling effect on vendors' willingness to provide such information to Duke Kentucky, and therefore the designated materials are exempt from disclosure pursuant to KRS 61.878(1)(c).

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

1. The designated materials pertaining to CEII in Duke Kentucky's June 22, 2018, petition meet the criteria for confidential treatment and are exempt from public disclosure pursuant to KRS 61.878.(1)(m).

2. The remainder of the material described in Duke Kentucky's June 22, 2018, petition and the material described its April 16, 2019 petition meets 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 June 22, 2018 and April 17, 2019, petitions for confidential protection are granted.

2. The material pertaining to CEII shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

3. The remainder of the material described in the June 22, 2018, petition and the material described in the April 17, 2019, petition shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission.

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

6. 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.

7. 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.

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By the Commission

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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