

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|--------------------------------------|---|------------|
| ELECTRONIC INVESTIGATION OF THE |) | |
| RELIABILITY MEASURES OF KENTUCKY'S |) | CASE NO. |
| JURISDICTIONAL ELECTRIC DISTRIBUTION |) | 2011-00450 |
| UTILITIES |) | |

ORDER

This matter arises on the petitions for confidential treatment filed by Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, on May 1, 2020 and April 30, 2021. The petitions are described in further detail below.

MAY 1, 2020 PETITION FOR CONFIDENTIAL TREATMENT

Duke Kentucky requested confidential treatment for an indefinite period of time for its filing of the 2019 Reliability Report and Vegetation Management Plan in accordance with a Commission Order in this case from May 2013.¹

In support of its petition, Duke Kentucky argues that the information includes specific physical location of critical utility infrastructure such as substations and circuits. Release of such information would create a risk of theft, destruction, and vandalism as well as the possibility that targeted action could present a significant security and reliability risk. Duke Kentucky argued that the information should be held confidential pursuant to KRS 61.878(m)(1).

¹ Order (Ky. PSC May 30, 2013).

Having considered the petition and the material at issue, the Commission finds that disclosure of the 2019 Reliability Report and Vegetation Management Plan would be a risk to security and infrastructure; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(m)(1). Although Duke Kentucky does not make mention of it in the petition, this finding is consistent with the most recent confidentiality order in this case.²

APRIL 30, 2021 PETITION FOR CONFIDENTIAL TREATMENT

Duke Kentucky requested confidential treatment for an indefinite period of time for its filing of the 2020 Reliability Report and Vegetation Management Plan in accordance with a Commission Order in this case from May 2013.³

In support of its petition, Duke Kentucky argues that the information includes specific physical location of critical utility infrastructure such as substations and circuits. Release of such information would create a risk of theft, destruction, and vandalism as well as the possibility that targeted action could present a significant security and reliability risk. Duke Kentucky argued that the information should be held confidential pursuant to KRS 61.878(m)(1).

Having considered the petition and the material at issue, the Commission finds that disclosure of the 2020 Reliability Report and Vegetation Management Plan would be a risk to security and infrastructure; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and

² Order (Ky. PSC Jan. 24, 2019).

³ Order (Ky. PSC May 30, 2013).

KRS 61.878(m)(1). Although Duke Kentucky does not make mention of it in the petition, this finding is consistent with the most recent confidentiality order in this case.⁴

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential treatment dated May 1, 2020, is granted.

2. Duke Kentucky's petition for confidential treatment dated April 30, 2021, is granted.

3. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

4. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

5. Duke Kentucky shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

6. If a nonparty 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, Duke Kentucky shall have 30 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.

⁴ Order (Ky. PSC Jan. 24, 2019).

7. The Commission shall not make the requested material available for inspection for 30 days from the date of service of 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.

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By the Commission

ENTERED
FEB 10 2022
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2011-00450

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