

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On May 2, 2022, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for portions of Duke Kentucky's annual reliability report and vegetation management plan update, which contains the physical location of critical utility infrastructure, including substations and circuits.

In support of its petition, Duke Kentucky argued that public disclosure of the designated material would present a risk of theft, destruction, and vandalism of critical infrastructure, and a significant security and reliability risk. Duke Kentucky requested confidential treatment under KRS 61.878(1)(c)(1), which exempts from open records laws confidential information that, if publicly disclosed, could result in commercial advantage to competitors. However, the reasons set forth for the request fall under KRS 61.878(1)(m), which exempts from open records laws information pertaining to critical energy infrastructure that, if publicly disclosed, would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, and mitigating a terrorist act.

Having considered the petition and the material at issue, the Commission finds that disclosure of the designated material 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.<sup>1</sup>

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential treatment is granted.
2. 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.
3. 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).
4. 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.
5. 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

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<sup>1</sup> Order (Ky. PSC Feb. 10, 2022).

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 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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Vice Chairman

  
Commissioner



ATTEST:

  
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