

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE)	
ENERGY KENTUCKY, INC. FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO.
AND NECESSITY AUTHORIZING THE)	2019-00388
CONSTRUCTION OF A GAS PIPELINE FROM)	
ERLANGER, KENTUCKY TO HEBRON,)	
KENTUCKY)	

ORDER

This matter arises on a petition for confidential treatment of information contained in its application filed on November 6, 2019, by Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that designated materials filed with the Commission be afforded confidential protection for ten years for Exhibit 2(e) and until the facility is no longer in service for certain pages of Exhibits 2(a), 2(d), and 4.

In support of its petition, Duke Kentucky states that public disclosure of the designated materials contained in Exhibits 2(a), 2(d), 2(e), and 4 of Duke Kentucky's Application for a Certificate of Public Convenience and Necessity are prohibited by KRS 61.878(1)(m)(1)(f) and 1(g), because the materials contain engineering drawings that show the precise location of gas systems considered to be critical infrastructure information. Duke Kentucky asserts that the public disclosure of this information would create a security risk for Duke Kentucky and its customers.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Duke Kentucky's November 6, 2019 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(m)(1)(f) and (1)(g).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's November 6, 2019 petition for confidential protection 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 ten years for Exhibit 2(e), and until the facility is no longer in service for pages 5–10, 12–13, 18–28, 33–37, and 42–43 of Exhibit 2(a), pages 3, 6–7, 10, 13–14, 17–19, and 22–23 of Exhibit 2(d), and Exhibit 4, 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 material granted confidential treatment by this Order become publicly available or no longer qualify for confidential treatment.

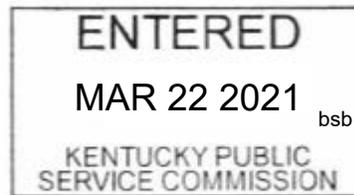
5. If a nonparty to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, Duke Kentucky shall have 30 days from receipt of written notice of the request 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 from the date of service of an Order finding that the material 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



ATTEST:


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