

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR (1) AN ADJUSTMENT OF)	
ELECTRIC RATES; (2) APPROVAL OF NEW)	CASE NO.
TARIFFS; (3) APPROVAL OF ACCOUNTING)	2022-00372
PRACTICES TO ESTABLISH REGULATORY)	
ASSETS AND LIABILITIES; AND (4) ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

ORDER

On May 4, 2023, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a renewed petition for confidential treatment, pursuant to 807 KAR 5:001, Section 13, KRS 61.878, and the Commission's April 5, 2023 Order in this proceeding, requesting that the Commission grant confidential treatment for 20 years for attachments included in responses to Commission Staff's Second Request for Information (Response to Staff's Second Request) Nos. 02-009(c), 02-029(b), and 02-070(b) filed on January 25, 2023.

Response to Staff's Second Request No. 02-009(c)

Duke Kentucky requested confidential treatment for 20 years for STAFF-DR-02-009 CONF Attachment to its Response to Staff's Second Request, which contains internal financing related calculations and forecasted rates. The information also includes data derived from a subscription-based service.

In support of its petition, Duke Kentucky argued that the information represents the inner workings of Duke Kentucky that are not publicly available. Duke Kentucky contended that the public disclosure of this information would place Duke Kentucky at a

competitive disadvantage, as competitors would gain valuable insight into Duke Kentucky's financial outlook.

Having considered the petition and the material at issue, the Commission finds that information concerning internal financing calculations forecasted rates is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

Response to Staff's Second Request No. 02-029(b)

Duke Kentucky requested confidential treatment for 20 years for STAFF-DR-02-029(b) CONF Attachment to its Response to Staff's Second Request, which contains projected capital and operation and maintenance expenses for East Bend, used to develop modeling runs for Duke Kentucky's 2021 Integrated Resource Portfolio.

In support of its petition, Duke Kentucky argued that public disclosure of projected capital projects would result in a commercial disadvantage to Duke Kentucky because competitors would gain insight into Duke Kentucky's future plans and financial outlook.

Having considered the petition and the material at issue, the Commission finds that information concerning projected capital and operation and maintenance expenses is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

Response to Staff's Second Request No. 02-070(b)

Duke Kentucky requested confidential treatment for 20 years for STAFF-DR-02-070(b) Attachments 1-97 to its Response to Staff's Second Request, which contains copies of vegetation management contracts from 2019-2021.

In support of its petition, Duke Kentucky argued that the information contains confidential and proprietary information that, if publicly disclosed, would place Duke Kentucky at a commercial disadvantage in future negotiations.

Having considered the petition and the material at issue, the Commission finds that the copies of vegetation management contracts from 2019-2021 are generally recognized as confidential or proprietary; they therefore meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

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 20 years 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 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.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
AUG 18 2023 bsb
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SERVICE COMMISSION

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