

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 information that contains negotiated pole attachment charges filed in response to Kentucky Broad and Cable Associations (KBCA) First Request for Information, Item 16.

In support of its petition, Duke Kentucky argued the information is not publicly available and that negotiated pricing information is generally recognized as confidential and proprietary. Duke Kentucky also argued that it would be placed at a disadvantage in future negotiations on pole attachment fees if the prices were disclosed. Duke Kentucky requested the information be given confidential treatment for 20 years.

Having considered the petition and the material at issue, the Commission finds that negotiated pole attachment charges in response to KBCA’s First Request for Information, Item 16 are generally recognized as confidential or proprietary; the information 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). Disclosure of the negotiated prices could disadvantage Duke Kentucky in the marketplace.

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.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
SEP 05 2023 rcs
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SERVICE COMMISSION

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