



DUKE ENERGY CORPORATION

139 East Fourth Street  
1212 Main  
Cincinnati, OH 45201-0960  
Telephone (513) 287-4315  
Facsimile (513) 287-4385

Kristen Cocanougher  
Sr. Paralegal  
E-mail: Kristen.cocanougher@duke-energy.com

**VIA OVERNIGHT DELIVERY**

December 18, 2012

Mr. Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

RECEIVED

DEC 19 2012

PUBLIC SERVICE  
COMMISSION

Re: In the Matter of the Application of Duke Energy Kentucky, Inc. for an Energy Efficiency Cost Recovery Mechanism and for Approval of Additional Programs for Inclusion in its Existing Portfolio.  
Case No. 2012-00085

Dear Mr. Derouen:

This Commission issued an Order on June 29, 2012, in the captioned matter, requiring that Duke Energy Kentucky file an executed contract relative to its Low Income Neighborhood program. As such, please find the following contract and a Petition for Confidential Treatment enclosed in the white envelope being filed under seal.

**Paragraph # 8**

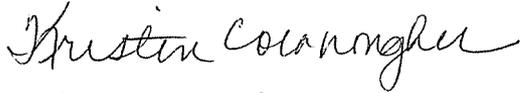
Once Duke Kentucky has selected a third-party vendor to serve as the administrator for the Low Income Neighborhood program, the Commission should be notified within 20 days of the selection and also, once signed, within 20 days provide a copy of the signed contract.

**Duke Energy Response:**

Duke Energy Kentucky hereby submits an executed copy of the contract between Duke Energy Business Services LLC and EnerTouch, Inc. dba GoodCents Solutions relative to its Low Income Neighborhood program.

Please file stamp the two copies of this letter and Petition enclosed herein and return in the enclosed return-addressed envelope. Thank you for your consideration in this matter.

Very truly yours,



Kristen Cocanougher

cc: Larry Cook  
Richard Raff  
Florence W. Tandy  
Carl Melcher

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

DEC 19 2012

PUBLIC SERVICE COMMISSION

In the Matter of the Application of Duke Energy )  
Kentucky, Inc., for an Energy Efficiency Cost )  
Recovery Mechanism and for Approval of )  
Additional Programs for Inclusion in its Existing )  
Portfolio )

Case No. 2012-00085

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**PETITION OF DUKE ENERGY KENTUCKY, INC.  
FOR CONFIDENTIAL TREATMENT OF INFORMATION CONTAINED IN ITS LOW  
INCOME NEIGHBORHOOD VENDOR CONTRACT**

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Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), pursuant to 807 KAR 5:001, Section 7, respectfully requests the Commission to classify and protect certain information in Duke Energy Kentucky’s Low Income Neighborhood third-party vendor contract, as requested by Commission Staff (Staff) in this case on June 29, 2012. The information contained in the contract and for which Duke Energy Kentucky now seeks confidential treatment (Confidential Information) shows a contract that includes sensitive information regarding vendor services provided to Duke Energy Kentucky. Duke Energy Kentucky has an agreement with this third party not to release this information to the general public.

In support of this Petition, Duke Energy Kentucky states:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878 (1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of that party. Public disclosure of

the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. The public disclosure of the information described in this third-party contract contains sensitive information, the disclosure of which would injure Duke Energy Kentucky and its competitive position and business interest. Duke Energy Corporation's Marketing is responsible for the procurement of energy efficiency education programs in the Duke Energy Corporate footprint and thus its policies and procedures are all-encompassing. The public disclosure of the information described above would place Duke Energy Kentucky at a commercial disadvantage as it negotiates contracts with various suppliers and vendors and could potentially harm Duke Energy Kentucky's competitive position in the marketplace, to the detriment of Duke Energy Kentucky and its customers. Moreover, this information involves the prices for services provided by vendors who compete for these contracts.

The public disclosure of this information would put these vendors at a competitive disadvantage in that it would allow their direct competitors to have access to pricing and terms and conditions that were negotiated with Duke Energy Business Services. Competitors could use this information to manipulate their own prices and put Duke Energy Kentucky at a commercial disadvantage in negotiations for similar services going forward.

3. Duke Energy Kentucky requests confidential protections for certain third-party data contained in this third-party contract. Duke Energy Kentucky is contractually bound to maintain such information confidential.

4. The information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation. Duke Energy Kentucky does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable

protective agreement, with the Attorney General or other intervenors with a legitimate interest in reviewing the same for the purpose of participating in this case.

5. This information was, and remains, integral to Duke Energy Kentucky's effective execution of business decisions. And such information is generally regarded as confidential or proprietary. Indeed, as the Kentucky Supreme Court has found, "information concerning the inner workings of a corporation is generally accepted as confidential or proprietary." *Hoy v. Kentucky Industrial Revitalization Authority*, Ky., 904 S.W.2d 766, 768.

6. In accordance with the provisions of 807 KAR 5:001 Section 7, the Company is filing with the Commission one copy of the Confidential Material highlighted and ten (10) copies without the confidential information.

WHEREFORE, Duke Energy Kentucky, Inc. respectfully requests that the Commission classify and protect as confidential the specific information described herein.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.



Rocco O. D'Ascenzo (92796)  
Associate General Counsel  
Amy B. Spiller (85309)  
State Regulatory General Counsel  
Duke Energy Business Services LLC  
139 East Fourth Street, 1303 Main  
Cincinnati, Ohio 45201-0960  
Phone: (513) 287-4320  
Fax: (513) 287-4385  
e-mail: [rocco.d'ascenzo@duke-energy.com](mailto:rocco.d'ascenzo@duke-energy.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing filing was served on the following via overnight mail, postage prepaid, this 18 day of December 2012:

Jennifer B. Hans Assistant Attorney General's Office 1024 Capital Center Drive, Ste 200 Frankfort, Kentucky 40601-8204	Richard Raff Public Service Commission 730 Schenkel Lane Frankfort, Kentucky 40602
Florence W. Tandy Northern Kentucky Community Action Commission P.O. Box 193 Covington, Kentucky 41012	Carl Melcher Northern Kentucky Legal Aid, Inc. 302 Greenup Covington, Kentucky 41011



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Rocco O. D'Ascenzo