

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF DUKE ENERGY KENTUCKY, INC.)	2019-00230
FROM NOVEMBER 1, 2018 THROUGH APRIL 30,)	
2019)	

ORDER

On August 27, 2019, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for ten years to Response 5 to the information requested in an Appendix to the Commission's Order dated August 12, 2019. Specifically, Duke Kentucky seeks confidential treatment regarding fuel solicitation proposal evaluations and rankings (Response 5).

Duke Kentucky asserts that the information in the responses contains sensitive information and that public disclosure of this information would harm Duke Kentucky and its competitive position and business interests. Response 5 contains information describing Duke Kentucky's written solicitations for coal supplies and the responses to the solicitations and Duke Kentucky's strategies for procuring fuel. Duke Kentucky asserts that this information, if disclosed, would give Duke Kentucky's vendors a competitive advantage in responding to future solicitations.

Having considered the petition and the material at issue, the Commission finds that the designated information contained in Response 5 is generally recognized as

confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential protection for Response 5 is granted.

2. The designated information shall not be placed in the public record or made available for ten years, or until further Order of this Commission.

3. Use of the material in question 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 material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party 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, then 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 following 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.

By the Commission

ENTERED
MAR 30 2020 rCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2019-00230

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