

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

A Review of The Adequacy of	)	
Kentucky's Generation Capacity and	)	Administrative
Transmission System	)	Case No. 387

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**DUKE ENERGY KENTUCKY, INC.'S**  
**PETITION FOR THE CONFIDENTIAL TREATMENT OF INFORMATION FILED**  
**FOR CALENDAR YEAR 2020**

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Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), pursuant to 807 KAR 5:001, Section 13, respectfully requests the Commission to classify and protect certain information provided by Duke Energy Kentucky in its response to Data Request No. 11, as requested by Commission Staff (Staff). The information that Staff seeks, and for which Duke Energy Kentucky now seeks confidential treatment (Confidential Information), includes planned outage and retirement schedules by plant. In support of this Motion, Duke Energy Kentucky further 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 list of projected outages, as contained in response to Data Request No. 11, will grant vendors a distinct advantage in that they would be able to anticipate Duke Energy

Kentucky's maintenance schedules. Duke Energy Kentucky submits that the following information, if openly disclosed, could give its competitors access to competitively sensitive, confidential information, which in turn could cause energy prices to consumers to be above competitive rates, and would permit competitors of Duke Energy Kentucky to gain an unfair competitive advantage in the marketplace:

- a. Scheduled outages or retirements of generating capacity during the current year and the following four years.
3. The information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation.
4. Duke Energy Kentucky does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, to 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*, 904 S.W.2d 766, 768 (Ky. 1995).
6. In accordance with the provisions of 807 KAR 5:001, Section 13(3), the Company is filing one copy of the Confidential Information separately under seal, and one copy without the confidential information included.
7. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential

Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests of the Company or its customers if publicly disclosed.

8. To the extent the Confidential information becomes generally available to the public, whether through filings required by other agencies or otherwise, Duke Energy Kentucky will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10)(a).

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.

*/s/Rocco D'Ascenzo*

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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing was transmitted to the Commission on March 31, 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and the original filing in paper medium will be delivered to the Commission pending further instruction from Case No. 2020-00085.<sup>1</sup>

John G. Horne, II  
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*/s/Rocco D'Ascenzo* \_\_\_\_\_  
Rocco D'Ascenzo

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<sup>1</sup> *In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Order, Case No. 2020-00085 (Ky. P.S.C. March 16, 2020).