

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

An Investigation of the Reliability)	
Measures of Kentucky’s Jurisdictional)	Administrative
Electric Distribution Utilities)	Case No. 2011-00450

DUKE ENERGY KENTUCKY, INC.’S
PETITION FOR THE CONFIDENTIAL TREATMENT OF CERTAIN
INFORMATION FILED FOR CALENDAR YEAR 2023

Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company) respectfully submits this petition in accordance with 807 KAR 5:001 Section 13, seeking the confidential treatment of certain information filed for calendar year 2022:

1. On January 11, 2012, the Commission issued an Order in this proceeding requiring Duke Energy Kentucky to collect and maintain all records necessary to evaluate its system reliability performance in accordance with the methodology established by the most recent edition of the (“IEEE”) standard number 1366 “Guide for Electric Power Distribution Reliability Indices,” which currently is IEEE Standard 1366-2012.

2. On May 30, 2013, the Commission issued its Order requiring all jurisdictional utilities to file annual reliability reports and to develop vegetation management plans. Pursuant to the Order, jurisdictional utilities were required to report a 5 year average of reliability data. The reports are required to be based upon a calendar year (January to December) and filed by the first business day in May in the year immediately following the reporting year.

3. The Commission’s regulations, in 807 KAR 5:001, Section 13, provide that any person requesting confidential treatment of any material file a petition setting forth the grounds,

pursuant to KRS 61.870 *et seq.*, upon which the Commission should classify that material as confidential.

4. Kentucky Revised Statute (KRS) § 61.878(1)(c)(1) provides that records confidentially disclosed to an agency or required to be disclosed to the agency be exempt from Kentucky's open records statutes, KRS 61.870 *et seq.* where the records are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records. Additionally, KRS § 61.878(1)(m)(1) protects from disclosure, certain public records that would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act, which is further defined to include critical public utility systems.

5. Duke Energy Kentucky submits that the following information, if openly disclosed, could present security and safety issues by identifying locations of critical utility infrastructure that would unnecessarily expose the public to potential harm if exploited:

- a. Physical street addresses of all the Company's electric substations and circuits.

6. The above information, if openly disclosed, would allow the public knowledge as to the specific physical location of critical utility infrastructure, namely Duke Energy Kentucky substations and circuits. With this information, a possible security issue could arise. Such actions might include theft, destruction, possible injury, and/or vandalism. Releasing the street address of all of the Company's electric substations in one public filing would present a significant security and reliability risk where a concentrated action could undermine Duke Energy Kentucky's distribution system and the security of its grid.

7. The information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation.

8. Duke Energy Kentucky does not object to limited disclosure of the confidential information described herein to any intervenors, pursuant to an acceptable protective agreement, and with a legitimate interest in reviewing the same for the purpose of participating in this case.

9. Pursuant to 807 KAR 5:001 Section 13(2), Duke Energy Kentucky has attached to this Petition, under seal, one copy of Exhibit A of the 2023 Reliability Report and Vegetation Management Plan and one copy of Exhibit A of the 2023 Reliability Report and Vegetation Management Plan with the confidential material omitted or otherwise redacted. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure indefinitely. This will assure that the Confidential Information will not become available to the general public. 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).

10. 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 (Ky. 1995).

WHEREFORE, Duke Energy Kentucky respectfully requests that the Commission:

1. Accept this Petition for filing; and

2. Grant the information delineated herein confidential treatment in accordance with 807 KAR 5:001 Section 13 and KRS 61.870, *et seq.*

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

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