

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

In the Matter of:

The Application of Duke Energy Kentucky,)
Inc., for a Certificate of Public)
Convenience and Necessity Authorizing) Case No. 2016-00168
the Construction of a Gas Pipeline from)
Walton, Kentucky to Big Bone, Kentucky)

**PETITION OF DUKE ENERGY KENTUCKY, INC.
FOR CONFIDENTIAL TREATMENT OF INFORMATION
CONTAINED IN ITS RESPONSE TO COMMISSION STAFF'S FIRST SET OF
DATA REQUESTS DATED JULY 28, 2016**

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 Nos. 5 and 7, as requested by Commission Staff (Staff) in this case on July 28, 2016. The information that Staff seeks through discovery and for which Duke Energy Kentucky now seeks confidential treatment (Confidential Information) includes customer specific usage information, and detailed construction costs for the natural gas pipeline to be constructed from Walton, Kentucky to Big Bone, Kentucky (Project), respectively.¹

In support of this Petition, Duke Energy Kentucky states:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information.² To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the

¹ See Data Request Nos. 5 and 7.

² KRS 61.878(1)(c).

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 information submitted and for which the Company is seeking confidential protection in Data Request No. 5 is customer specific usage information. If made public, this information would provide the details of service, including how the customer operates and uses gas that would give that customer's competitors a distinct advantage.

3. The Commission's request in Data Request No. 7 seeks documentation of detailed construction costs for this Project. The confidential detailed costs of the construction associated with the Project are identified in the accompanying attachments and were derived from a competitive bidding process. Disclosing this information would provide the third parties' competitors with sensitive pricing information that they could use to disadvantage the third parties in future projects. Further, disclosure of this information would very likely impair Duke Energy Kentucky's relationship with these third parties.

4. The Confidential Information is distributed within Duke Energy Kentucky, only to those who must have access for business reasons, and is generally recognized as confidential and proprietary in the energy industry.

5. The Confidential Information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation.

6. 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.

7. 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).

8. 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.

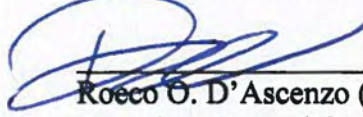
9. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests of the Company or its customers if publicly disclosed.

10. 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.



Rocco O. D'Ascenzo (92796)

Associate General Counsel

Amy B. Spiller (85309)

Deputy General Counsel

Duke Energy Business Services LLC

139 East Fourth Street, 1313 Main

Cincinnati, Ohio 45201-0960

Phone: (513) 287-4320

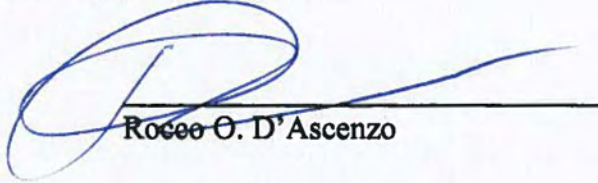
Fax: (513) 287-4385

e-mail:rocco.d'ascenzo@duke-energy.com

e-mail:amy.spiller@duke-energy.com

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served via overnight mail to the following party on this 8th day of August 2016.



Rocco O. D'Ascenzo

Rebecca W. Goodman
Executive Director
Office of Rate Intervention
Office of the Attorney General
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601-8204
(502)696-5453
Rebecca.Goodman@ky.gov