

**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 )

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**AMENDED PETITION OF DUKE ENERGY KENTUCKY, INC.  
FOR CONFIDENTIAL TREATMENT OF INFORMATION  
CONTAINED IN ITS APPLICATION**

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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 Application filed in this proceeding on May 11, 2016, requesting a Certificate of Public Convenience and Necessity (CPCN) for approval of the construction of a natural gas pipeline from Walton, Kentucky to Big Bone, Kentucky and associated facilities. In its Petition for Confidential Treatment of Information Contained in its Application (Petition), also filed on May 11, 2016, Duke Energy Kentucky misstated the page numbers for which it requested confidential treatment of. Duke Energy Kentucky hereby seeks to amend the page numbers contained in its Petition.

The information for which Duke Energy Kentucky now seeks confidential treatment contained in certain pages to Confidential Exhibits 2(c) and 2(d) and Confidential Exhibits 4(a) and (b), attached to its Application, includes critical utility infrastructure by way of engineering drawings showing the exact route, location, depths, pressures, and nature of the

proposed construction (Confidential Information). The public release of this information would create a security risk for both the Company and its customers.

In support of this Petition, Duke Energy Kentucky states:

1. The Kentucky Open Records Act exempts from disclosure certain records in KRS 61.878(1)(m)(1)(f) and (1)(g). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the records 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 and limited to:...

f. Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;

g. The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency...”

2. Duke Energy Kentucky requests confidential treatment for pages 318-322 and 327-363 of Confidential Exhibit 2(c), pages 319-323 and 328-364 of Exhibit 2(d) and pages 5-40 of Exhibit 4(a) and pages 4-8 of Exhibit 4(b) attached to its Application as these engineering drawings show the precise location of gas systems considered to be critical infrastructure information. This information needs to be kept confidential in order to continue to provide delivery of safe and reliable gas service to Duke Energy Kentucky

customers. The release of this information would threaten the public safety by providing precise locations of critical utility infrastructure that could be used and exploited to the detriment of the safety of the general public.

3. The information for which Duke Energy Kentucky is seeking confidential treatment was developed internally by Duke Energy Corporation and Duke Energy Kentucky personnel, is not on file publicly with any agency, and is not available from any commercial or other source outside Duke Energy Kentucky. The aforementioned information is distributed within Duke Energy Kentucky only to those employees who must have access for business reasons, and is generally recognized as confidential and proprietary in the gas industry.

4. Duke Energy Kentucky does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, 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 (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.

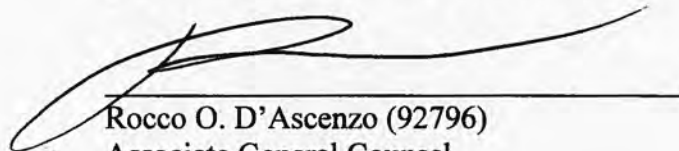
7. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests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



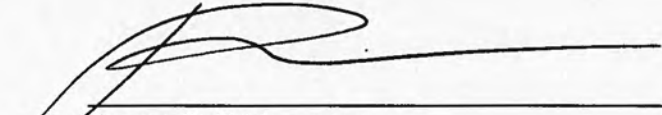
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*Counsel for Duke Energy Kentucky, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Amended Petition for Confidential Treatment of Information of Duke Energy Kentucky, Inc. has been served via electronic mail to the following party on this 19<sup>th</sup> day of May 2016.

Hon. Lawrence Cook  
Office of the Attorney General  
Utility Intervention and Rate Division  
1024 Capital Center Drive  
Frankfort, Kentucky 40601



Rocco O. D'Ascenzo