

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter of:

The Electronic Application of Duke Energy)
Kentucky, Inc., for: 1) An Adjustment of the)
Electric Rates; 2) Approval of an) Case No. 2017-00321
Environmental Compliance Plan and)
Surcharge Mechanism; 3) Approval of New)
Tariffs; 4) Approval of Accounting Practices to)
Establish Regulatory Assets and Liabilities;)
and 5) All Other Required Approvals and)
Relief.)

**SUPPLEMENT TO DUKE ENERGY KENTUCKY, INC.'S
DECEMBER 13, 2017 MOTION FOR CONFIDENTIAL TREATMENT
FOR CERTAIN RESPONSES TO REQUEST FOR INFORMATION**

Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), by counsel, pursuant to 807 KAR 5:001, Section 13 and other law, and respectfully requests the Commission to classify and protect certain information provided by the Company in its Responses to the Attorney General of Kentucky's (AG) Second Request for Information issued on November 29, 2017, respectfully stating as follows:

1. On August 2, 2017 Duke Energy Kentucky filed a Notice of Intent to File an Application seeking adjustment of its electric rates and other approvals.
2. On September 1, 2017 Duke Energy Kentucky filed an Application seeking an adjustment of its electric rates and other approvals.
3. On November 29, 2017 the AG issued its Second Request for Information to Duke Energy Kentucky.
4. On December 13, 2017 Duke Energy Kentucky filed Responses to the AG's

Second Request for Information and contemporaneously filed a Motion for Confidential Treatment for certain information contained in Duke Energy Kentucky's responses.

5. In the December 13, 2017 Motion for Confidential Treatment, Duke Energy Kentucky requested certain information contained in Duke Energy Kentucky's response to Request No. 1 of the AG's Second Request for Information, but failed to include a description as to why certain information regarding vegetation management bids and miles from other Duke Energy jurisdictions including North Carolina, South Carolina, Florida and Indiana was redacted from the confidential version submitted under seal with the Commission.

6. The information for which Duke Energy Kentucky seeks confidential treatment is contained in its Response to the AG's Second Requests 1 which is referred to herein as the "Confidential Information" and, broadly speaking, includes detailed information pertaining to the number of miles of vegetation management and the bids received from outside third-party vendors for vegetation management from other Duke Energy jurisdictions besides Kentucky and Ohio.

6. Request No. 1 of the AG's Second Request for Information states as follows:

Refer to the Direct Testimony of Mr. Platz at pages 18-19 in regards to rising vegetation management costs and to the response to Staff 2-18 showing large increases, more than doubling, in the test year for vegetation management expense.

b. Provide a copy of the RFP issued for vegetation management and a copy of all "indicative bids" received.

f. Provide copies of all contracts with vendors in place during each of the periods indicated in the response to Staff 2-18. This would include a copy of any newly executed contract(s) related to the recently issued RFP.

7. In its response to Request No. 1, Duke Energy Kentucky is providing sensitive information regarding bids received from outside vendors and contracts with third-party vendors.

This information if disclosed would give an unfair competitive advantage to other outside vendors or competitors when this type of RFP is issued in the future. The information provided in response to this request contained information from other Duke Energy jurisdictions and that information was redacted from the confidential version filed under seal with the Commission because Duke Energy Kentucky does not have permission from the other jurisdictions to disclose this information and disclosure of such information could cause harm to these other Duke Energy jurisdictions.

8. This Motion is only intended to supplement the Motion for Confidential Treatment filed on December 13, 2017 and Duke Energy Kentucky still intends for the arguments and information contained in the December 13, 2017 Motion for Confidential Treatment to be considered by the Commission.

9. The Confidential Information provided is proprietary information that is retained by Duke Energy Kentucky or its affiliates, on a “need-to-know” basis. The Confidential Information that was specific to Duke Energy Kentucky was distributed within Duke Energy Kentucky only to those members of Senior Management and employees who must have access for business reasons. Only the personnel having direct oversight responsibility for vegetation management for Duke Energy’s utility jurisdictions have access to the complete information, and it is generally recognized as confidential and proprietary in the energy industry and in business generally.

10. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure. *See* KRS 61.878(1)(a); KRS 61.878(1)(c)(1); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky. App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995).

11. In accordance with the provisions of 807 KAR 5:001, Section 13(2)(e), the Company previously filed one copy of the Confidential Information separately under seal, and the appropriate number of copies with the Confidential Information redacted with the December 13, 2017 Motion for Confidential Treatment.

12. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure indefinitely.

13. 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,



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

Phone: (513) 287-4320

Fax: (513) 287-4385

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

and

David S. Samford

L. Allyson Honaker

GOSS SAMFORD, PLLC

2365 Harrodsburg Road, Suite B-325

Lexington, KY 40504

(859) 368-7740

Email: David@gosssamfordlaw.com

Email: Allyson@gosssamfordlaw.com

Counsel for Duke Energy Kentucky, Inc.

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 December 18, 2017; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that the original and (6) six copies of the filing in paper medium is being delivered via second day delivery to the Commission on the 18th day of December, 2017. Also, a copy is being sent to each party of record via second day delivery.



Counsel for Duke Energy Kentucky, Inc.

Kent Chandler
Rebecca W. Goodman
Justin M. McNeil
Lawrence W. Cook
Assistant Attorneys General
700 Capital Avenue, Suite 20
Frankfort, KY 40601-8204

Michael L. Kurtz, Esq.
Jody Kyler Cohn, Esq.
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

Counsel for the Office of Attorney General

Dennis G. Howard, II
Howard Law PLLC
740 Emmett Creek Lane
Lexington, KY 40515

Counsel for Kentucky Industrial Utility Customers, Inc.

Kurt J. Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

Counsel for Northern Kentucky University

Matthew R. Malone
William H. May, III
Hurt, Deckard & May PLLC
127 West Main Street
Lexington, KY 40507

Counsel for The Kroger Company

Counsel for the Kentucky School Board Association