

**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. )

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**MOTION OF DUKE ENERGY KENTUCKY, INC.**  
**FOR CONFIDENTIAL TREATMENT OF INFORMATION**  
**CONTAINED IN ITS REBUTTAL TESTIMONY**

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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 Rebuttal Testimony, 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 September 27, 2017 the Commission issued an Order which contained the Procedural Schedule requiring the Company to file its Rebuttal Testimony no later than February 14, 2018.

4. As attachments to certain Rebuttal Testimony, Duke Energy Kentucky is providing certain information for which it requests confidential treatment.

5. The information for which Duke Energy Kentucky seeks confidential treatment is contained in the Confidential Attachment to the Rebuttal Testimony of William Don Wathen, Jr. (WDW-REBUTTAL-2) and the Confidential Attachment to the Rebuttal Testimony of April N. Edwards (ANE-REBUTTAL-1). Collectively, these attachments are referred to herein as the “Confidential Information” and, broadly speaking, includes detailed forecasted financial data, by year, over the next fifteen years including, but not limited to, Duke Energy Kentucky’s operational assumptions, investments, and estimated labor expenses for both its gas and electric operations; as well as, contracts with outside vendors.

6. With regard to Confidential Attachment WDW-REBUTTAL-2, Duke Energy Kentucky is providing detailed forecasted financial data and company cost assumptions which was taken from Confidential Attachment DLS-4 in Case No. 2016-00152. The information is already subject to a pending motion for confidential information in Case No. 2016-00152 and such request should be respected herein. Moreover, this information, if disclosed, would damage Duke Energy Kentucky’s competitive position and business interests. If the Commission grants public access to the information, it may make it difficult to achieve the anticipated savings, including equipment purchases, labor savings, etc. as potential future suppliers could potentially manipulate the market and undermine Duke Energy Kentucky’s ability to manage its costs.

7. With regard to Confidential Attachment ANE-REBUTTAL-1, Duke Energy Kentucky is providing a contract with a third-party vendor. 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 contract provided contains detailed per-unit pricing information

that has been negotiated with the vendor as well as information from other Duke Energy jurisdictions besides Kentucky and Ohio and that information will be 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. Releasing this information will place the Company and its vendor at a commercial disadvantage insofar as being able to negotiate similar services in the future as competitors would have access to this detailed information and could price their services in a manner they otherwise would not have done absent access to this detailed information.

21. 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).

22. Furthermore, some of the information for which Duke Energy Kentucky is seeking confidential treatment was either developed internally, or acquired on a proprietary basis, by Duke Energy Kentucky personnel or an affiliate of the Company, is not on file publicly with any public agency, and is not publicly available from any commercial or other source. The aforementioned information is distributed within Duke Energy Kentucky only to those employees who must have access for business reasons.

23. Duke Energy Kentucky does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable protective agreement entered into with any intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

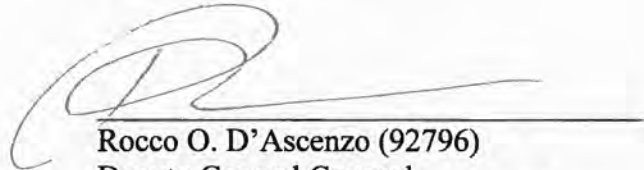
24. In accordance with the provisions of 807 KAR 5:001, Section 13(2)(e), the Company is filing one copy of the Confidential Information separately under seal, and the appropriate number of copies with the Confidential Information redacted.

25. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of twenty 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 if publicly disclosed.

26. 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,



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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 February 14, 2018; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that a copy of the filing in paper medium is being delivered via second day delivery to the Commission on the 14<sup>th</sup> day of February, 2018.

  
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