

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Electronic Application of Duke Energy)	
Kentucky, Inc. for a Certificate of Public)	
Convenience and Necessity to Construct A)	Case No. 2019-00251
138-kV Transmission Line And Associated)	
Facilities In Boone County (Oakbrook to Aero)	
Transmission Project))	

**PETITION OF DUKE ENERGY KENTUCKY, INC. FOR CONFIDENTIAL
TREATMENT OF INFORMATION CONTAINED IN ITS RESPONSES
TO STAFF’S SECOND SET OF DATA REQUESTS**

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 Responses to Commission Staff’s (Staff) Second Request for Information issued on October 11, 2019. Specifically, the Company requests confidential treatment for the attachments to Staff’s Information Request Nos. 2 and 5(b) and (c) (Confidential Information). The information that Duke Energy Kentucky seeks confidential treatment on generally includes confidential critical utility infrastructure and customer account information.

In support of this Petition, Duke Energy Kentucky states:

1. The Kentucky Open Records Act exempts from disclosure certain critical infrastructure information per KRS 61.878(1)(m). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the record would expose a vulnerability in providing the location of public utility critical systems. Public

disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. The information contained in STAFF-DR-02-002 Confidential Exhibit contains confidential records and analysis that include and contain detailed depictions, locations, schematic drawings, and maps of confidential utility infrastructure, which is protected for security and safety reasons as defined under KRS 61.878(1)(m)(1). If publicly released, this information would provide details regarding utility infrastructure that, in the wrong hands, could be exploited and used in ways that could create security and potential public safety risks. Therefore, this information should remain confidential.

3. The information contained in STAFF-DR-002-005(b) and (c) Confidential Attachments contains specific customer account information, including the names, contact information, addresses, and an email address of customers of Duke Energy Kentucky. This information is generally recognized as confidential in the energy industry. To protect the customers identified in these letters and correspondence, the Company recommends this information be considered confidential.

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 safety of its systems. 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).

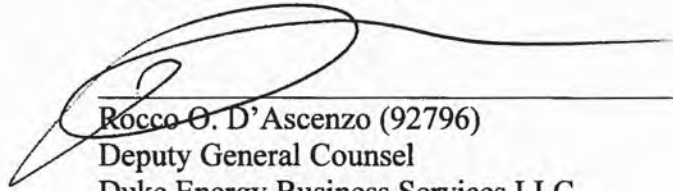
8. In accordance with the provisions of 807 KAR 5:001, Section 13(3), the Company is filing one copy of the Confidential Information separately under seal, and one copy without the confidential information included.

9. Duke Energy Kentucky respectfully requests that the Confidential Information contained in response to STAFF-DR-02-002 be withheld from public disclosure until such time as the facilities depicted therein are no longer in service and the Confidential Information contained in response to STAFF-DR-02-005 be withheld from public disclosure indefinitely. 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,

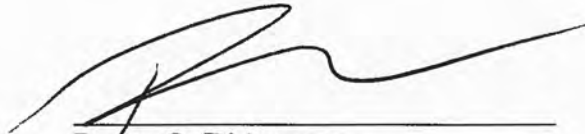
A handwritten signature in black ink, appearing to read "Rocco O. D'Ascenzo", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rocco O. D'Ascenzo (92796)
Deputy General Counsel
Duke Energy Business Services LLC
139 East Fourth Street, 1303 Main
Cincinnati, Ohio 45201-0960
Phone: (513) 287-4320
Fax: (513) 287-4385
E-mail: rocco.d'ascenzo@duke-energy.com

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing filing been served via overnight mail to the following party on this 31st day of October 2019.

Hon. Larry Cook
Office of the Attorney General
Utility Intervention and Rate Division
700 Capital Avenue, Ste. 20
Frankfort, Kentucky 40601

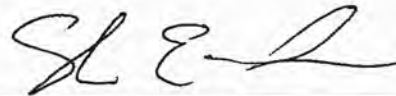


Rocco O. D'Ascenzo

VERIFICATION

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The undersigned, Sarah E. Lawler, Director Rates & Regulatory Planning, being duly sworn, deposes and says that she has personal knowledge of the matters set forth in the foregoing data requests, and that the answers contained therein are true and correct to the best of her knowledge, information and belief.



Sarah E. Lawler Affiant

Subscribed and sworn to before me by Sarah E. Lawler on this 24th day of October, 2019.



NOTARY PUBLIC

My Commission Expires: July 8, 2022



E. MINNA ROLFES-ADKINS
Notary Public, State of Ohio
My Commission Expires
July 8, 2022

VERIFICATION

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The undersigned, Yanthi W. Boutwell, Director of Midwest Transmission Resource & Project Management, being duly sworn, deposes and says that she has personal knowledge of the matters set forth in the foregoing data requests, and that the answers contained therein are true and correct to the best of her knowledge, information and belief.

Yanthi W. Boutwell
Yanthi W. Boutwell Affiant

Subscribed and sworn to before me by Yanthi W. Boutwell on this 29th day of October, 2019.

E. Minna Rolfes-Adkins
NOTARY PUBLIC

My Commission Expires: July 8, 2022



E. MINNA ROLFES-ADKINS
Notary Public, State of Ohio
My Commission Expires
July 8, 2022

VERIFICATION

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The undersigned, Marc A. Bell, Lead Engineer, being duly sworn, deposes and says that he has personal knowledge of the matters set forth in the foregoing data requests, and that the answers contained therein are true and correct to the best of his knowledge, information and belief.



Marc A. Bell Affiant

Subscribed and sworn to before me by Marc A. Bell on this 29th day of October, 2019.



NOTARY PUBLIC

My Commission Expires: July 8, 2022



E. MINNA ROLFES-ADKINS
Notary Public, State of Ohio
My Commission Expires
July 8, 2022

VERIFICATION


STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The undersigned, John Hurd, Lead Transmission Siting Specialist, being duly sworn, deposes and says that he has personal knowledge of the matters set forth in the foregoing data requests, and that the answers contained therein are true and correct to the best of his knowledge, information and belief.



John Hurd Affiant

Subscribed and sworn to before me by John Hurd on this 28th day of October, 2019.



NOTARY PUBLIC

My Commission Expires: July 8, 2022



KyPSC Case No. 2019-00251
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Duke Energy Kentucky
Case No. 2019-00251
Staff Second Set Data Requests
Date Received: October 18, 2019

STAFF-DR-02-001

REQUEST:

Refer to Duke Kentucky's response to Commission Staff's First Request for Information (Staff's First Request), Item 4.

a. Confirm the proposed expenditures for the project are included in the capital expenditure budget in Case No. 2019-00271, pursuant to 807 KAR 5:001, Section 16(7)(b).¹

b. If item a. above is confirmed, explain the difference in cost in the instant case and the base rate case.

RESPONSE:

a. Confirmed.

b. The amounts included in the Company's capital budget as reported in the Company's electric base rate case as required by FR16(7)(b) of \$25.8 million for this project differ from the amounts included in this instant case of \$32.3 million because certain costs were not included in the original budget. As the Company was preparing this instant case filing and the electric base rate case filing, it was determined that these costs had been inadvertently excluded from the budget and therefore the test period in the Company's current electric base rate case. Because the in-service date of this project is

¹ Case No. 2019-00271, Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and 4) All Other Required Approvals and Relief (Application filed Sept. 3, 2019).

estimated to be December 31, 2020 and the Company is using a 13-month average forecasted test period ending March 31, 2021 in its current electric base rate case filing, approximately \$2 million was excluded from the test period forecasted rate base. Because of the magnitude of the amount and the timing of when the Company discovered the omission, Duke Energy Kentucky decided not to modify the amounts included in the rate case application.

PERSON RESPONSIBLE: Sarah E. Lawler

**Duke Energy Kentucky
Case No. 2019-00251
Staff Second Set Data Requests
Date Received: October 18, 2019**

**PUBLIC STAFF-DR-02-002
(As to Attachment only)**

REQUEST:

Refer to Duke Kentucky's response to Staff's First Request, Item 12. Provide a copy of the finalized engineering design work plan along with any updates on projected capital cost for the proposed transmission project.

RESPONSE:

CONFIDENTIAL PROPRIETARY TRADE SECRET (As to Attachment only)

Please see STAFF-DR-02-002 Confidential Attachment for the issued for bid engineering design. There has been no change to the cost estimate at this time.

PERSON RESPONSIBLE: Yanthi W. Boutwell

**CONFIDENTIAL PROPRIETARY TRADE
SECRET**

**STAFF-DR-02-002 CONFIDENTIAL
ATTACHMENT**

FILED UNDER SEAL

**Duke Energy Kentucky
Case No. 2019-00251
Staff Second Set Data Requests
Date Received: October 18, 2019**

STAFF-DR-02-003

REQUEST:

Refer to Duke Kentucky's response to Staff's First Request, Item 14, which provides that Amazon's projected load at full build-out will be 90 MW. Refer also to the Direct Testimony of Yanthi W. Boutwell, page 8, lines 6-7, which provides that the full build-out of the Amazon facility will require 60 MW. Explain why the increase in the projected load of the Amazon facility at full build-out has increased by 50 percent.

RESPONSE:

Load data was provided by Amazon. Duke Energy Kentucky is designing and building the project to meet existing and future load needs.

PERSON RESPONSIBLE: Marc A. Bell

**Duke Energy Kentucky
Case No. 2019-00251
Staff Second Set Data Requests
Date Received: October 18, 2019**

STAFF-DR-02-004

REQUEST:

Refer to Duke Kentucky's response to Staff's First Request, Item 15. Identify the property owner(s) that Duke Kentucky will need to obtain permission for the outstanding easements needed for the proposed transmission project.

RESPONSE:

The only property owner that Duke Energy Kentucky will need to obtain permission for the outstanding easements is the Kenton County Airport Board.

PERSON RESPONSIBLE: John K. Hurd

**Duke Energy Kentucky
Case No. 2019-00251
Staff Second Set Data Requests
Date Received: October 18, 2019**

**PUBLIC STAFF-DR-02-005
(As to Attachments (b) and (c) only)**

REQUEST:

Refer to Duke Kentucky's response to Staff's First Request, Item 20.

- a. Provide a copy of the Kevin Costello letter referenced in this response.
- b. Provide copies of the letters that were sent to property owners within 500 feet of the proposed transmission route.
- c. Provide the nature of the information requests that was sought by the two property referenced in this response and state whether Duke Kentucky adequately responded to those requests. Provide a copy of any written responses that Duke Kentucky provided addressing the property owners' additional information requests.

RESPONSE:

**CONFIDENTIAL PROPRIETARY TRADE SECRET
(As to Attachments (b) and (c) only)**

- a. Please see STAFF-DR-02-005(a) Attachment for a copy of the Kevin Costello letter.
- b. Please see STAFF-DR-02-005(b) Confidential Attachment which includes copies of all the letters that were sent to property owners within 500 feet of the proposed transmission route.
- c. One property owner called and asked when Oakbrook was built. Duke Energy Kentucky responded via phone to the property owner and informed them Oakbrook was constructed in 2003 and energized in 2004. The second property owner emailed asking

how far from the Oakbrook Substation they were. Duke Energy Kentucky responded via email and indicated they are located approximately 656 feet from the Oakbrook Substation. A copy of this email correspondence is provided as STAFF-DR-02-005(c) Confidential Attachment.

PERSON RESPONSIBLE: John K. Hurd



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

July 19, 2019

Mr. Warren Walker, Manager
Government and Community Affairs
Duke Energy
1409-M
139 East Fourth Street
Cincinnati, Ohio 45202

Re: Aero Transmission Reliability Project

Dear Mr. Walker:

This letter is written on behalf of the Boone County Planning Commission. Our organization is responsible for land use planning and reviewing development in Boone County. This role is critical to maintaining and improving the high quality of life for Boone County residents and businesses.

Based upon the information provided to us, we fully understand the need for the Aero Transmission Reliability Project. However, we are concerned about impact of the project as it relates to aesthetics. The proposed substations and line routes are highly visible along well travelled road corridors. In the past, we have raised concerns with Duke Energy about the placement of such facilities with very limited regard to its impact to the road corridors and adjoining properties. An example of this concern rests with the existing Oakbrook Substation. In order to understand the true impact of the proposed Aero Substation, Woodspoint Substation and expansion of the Oakbrook Substation, it would be helpful to provide detailed drawings of the three projects. Such drawings should include elevation information of the structures relative to adjoining roads and properties. Without this information, it is impossible to determine the full impact as the three sites sit adjacent or near a multi-billion dollar logistics project and a multi-million dollar regional retail mall.

Mr. Warren Walker, Manager
July 19, 2019
Page 2

Specifically, it appears that the pole structures for the project will be out of scale with the surrounding area. The structures will be about seventy feet in height closest to the airport to align with FAA regulations. Some of the pole structures, especially those closest to the Woodspoint Substation and I-75/71, will be about eighty feet in height and highly visible from the interstate and most of the Florence Mall area. Can any portion of this line and supporting poles be located along rear/side lot lines or follow existing transmission routes? The structures will be silver in color and will not blend into the landscape. Are there any other options? The same comment is made with the proposed Aero Substation. It will be highly visible from both Kentucky 18 and Aero Parkway.

Consequently, the Boone County Planning Commission Staff requests that the above concerns be remedied by:

- Providing a viewshed analysis for areas that will be exposed to high levels of traffic, in particular on I-75/71, Kentucky 18, Aero Parkway, Houston Road, Ted Bushelman Boulevard, the City of Florence Golf Course on Woodspoint Drive and a plan for mitigating the impact on viewsheds in these areas. Such an analysis should include pole structure and site elevations relative to the elevation of KY 18, Aero Parkway, Houston Road, Ted Bushelman Boulevard and the ring road near Florence Mall. In addition, please identify measures that could be used to mitigate some of the visual impact of the proposed structures. This could be land forming (berms), large setbacks, low level landscaping, decorative walls (e.g. Central Parkway substation and UC substation) etc.
- Please identify the alternatives analysis which will be used to select line segments resulting in the identification of a preferred route.

We appreciate being notified of this project and value your cooperation in addressing these concerns.

Sincerely,



Kevin P. Costello, AICP
Executive Director

cc: Judge Executive Gary W. Moore, Boone County Fiscal Court
The Honorable Diane E. Whalen, Mayor, City of Florence
Charlie Rolfsen, Chairman, Boone County Planning Commission

**CONFIDENTIAL PROPRIETARY TRADE
SECRET**

**STAFF-DR-02-005(b) CONFIDENTIAL
ATTACHMENT**

FILED UNDER SEAL

**CONFIDENTIAL PROPRIETARY TRADE
SECRET**

**STAFF-DR-02-005(c) CONFIDENTIAL
ATTACHMENT**

FILED UNDER SEAL

**Duke Energy Kentucky
Case No. 2019-00251
Staff Second Set Data Requests
Date Received: October 18, 2019**

STAFF-DR-02-006

REQUEST:

Refer to Duke Kentucky's response to Staff's First Request, Item 21. Identify the location on Route B where the mixed-use development is located.

RESPONSE:

The parcels on the south side of Aero Parkway (State Route 1017), just east of Burlington Pike (State Route 18), are being developed as a mixed-use area. Please refer to STAFF-DR-02-006 Attachment.

PERSON RESPONSIBLE: John K. Hurd

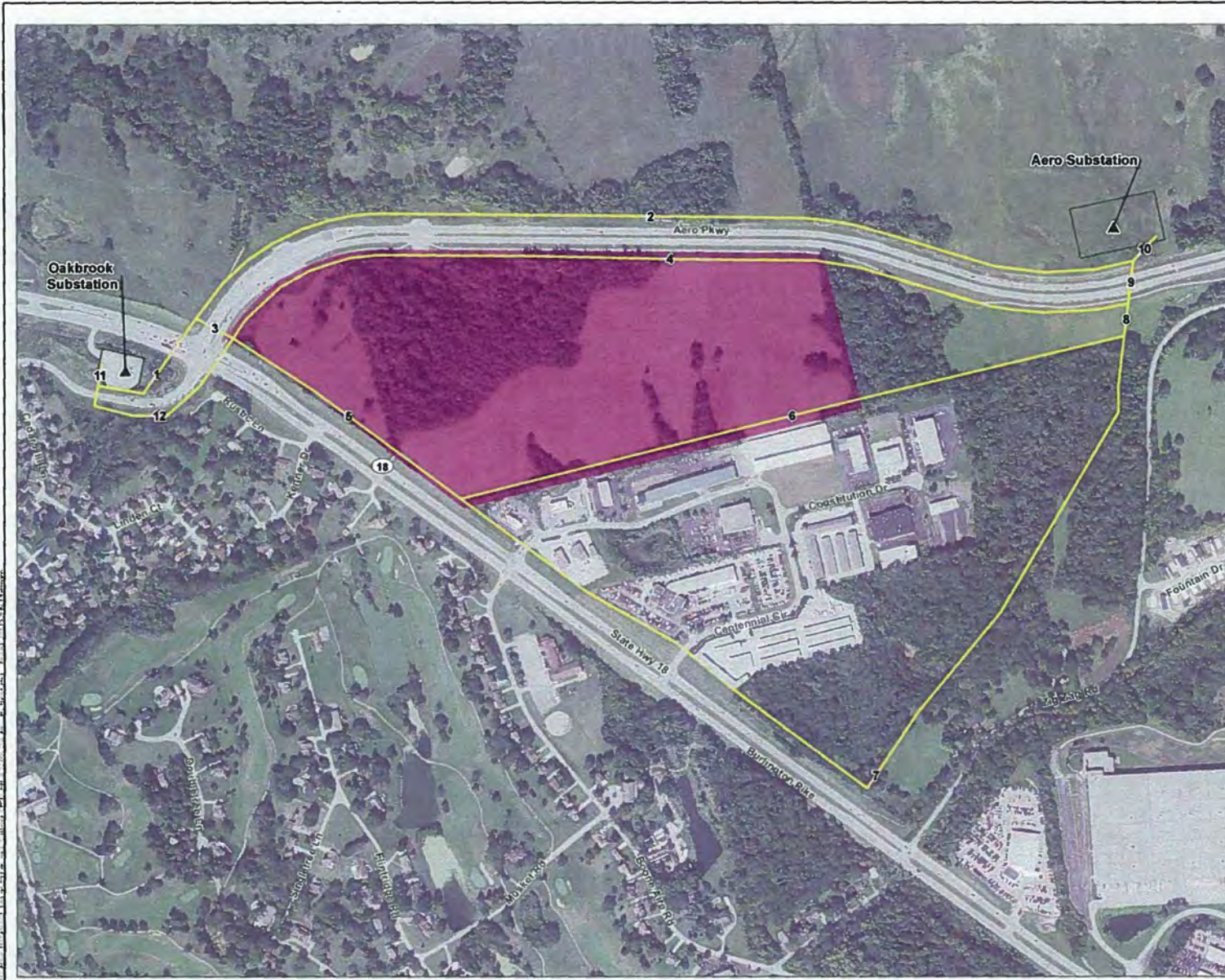
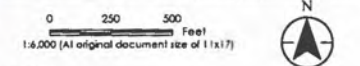


Figure No. **STAFF-DR-02-006**
 Title **Segment Network and Mixed Use Development**
 Client/Project **Duke Energy
 Oakbrook to Aero
 138 kV Transmission Line Siting Study**
 Project Location **Boone County, KY** 193704543
 Prepared by BT on 2019-10-28
 Technical Review by JM on 2019-10-28
 Independent Review by CS on 2019-10-28



- Legend**
- Existing/Proposed Duke Substation
 - Oakbrook to Aero Preferred Route
 - Substation Boundary
 - Mixed Use Development



- Notes**
1. Coordinate System: NAD 1983 StatePlane Kentucky North FIPS 1401 Feet
 2. Data Sources include: Stantec, Duke, NAD83, Boone Co., Amazon
 3. Orthophotography: 2018 N/AIP



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