

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC INVESTIGATION OF)	
HOME ENERGY ASSISTANCE PROGRAMS)	Case No. 2019-00366
OFFERED BY INVESTOR-OWNED)	
UTILITIES PURSUANT TO KRS 278.285(4))	

**PETITION OF DUKE ENERGY KENTUCKY, INC. FOR CONFIDENTIAL
TREATMENT OF INFORMATION CONTAINED IN ITS
ANNUAL REPORT, PROGRAM YEAR 2020 - 2021**

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 Annual Report for Program Year 2020 - 2021. Specifically, the Company requests confidential treatment for Attachment A. The information that Duke Energy Kentucky seeks confidential treatment on generally includes customer account information, including names, addresses, and billing data for customers that qualified for assistance based upon income and need.

In support of this Petition, Duke Energy Kentucky states:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the 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 in Attachment A contains specific customer account information, including the names, addresses, account numbers, and billing data of customers of Duke Energy Kentucky. This information is generally recognized as confidential in the energy industry. To protect the customers identified in these reports, the Company recommends this information be considered confidential.

3. 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.

4. The Confidential Information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation and the contracting agency that qualified the individual customers to provide the needed assistance. Publicly disclosing this information would discourage customers from seeking assistance out of fear that their personal information would be published and become otherwise available. This in turn would undermine the assistance program, and in turn, result in more disconnections for non-payment and likely bad debt that is recovered through utility rates, thereby negatively impacting all customers.

5. 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.

6. 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).

7. 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.

8. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure indefinitely to preserve the confidential personal identification information for customers. Information such as account numbers, names, and addresses, may remain unchanged as long as the individual is a customer of the Company. Therefore, an indefinite preservation of confidential information for this personal identification information is reasonable.

9. 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.

/s/ Rocco D'Ascenzo

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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 July 15, 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; that a copy of the filing in paper medium will be delivered to the Commission within 30 days of the lifting of the current state of emergency; and a copy of the filing is also being electronically delivered to the following:

John G. Horne, II
The Office of Attorney General
Utility Intervention and Rate Division
700 Capital Avenue, Ste. 118
Frankfort, Kentucky 40601

/s/ Rocco D'Ascenzo
Rocco O. D'Ascenzo