

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF THE	)	
PROPOSED POLE ATTACHMENT TARIFFS OF	)	CASE NO.
INVESTOR OWNED ELECTRIC UTILITIES	)	2022-00105

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**PETITION OF DUKE ENERGY KENTUCKY, INC. FOR  
CONFIDENTIAL TREATMENT OF INFORMATION CONTAINED IN ITS  
RESPONSES TO COMMISSION STAFF’S SECOND SET OF INFORMATION  
REQUESTS ISSUED MAY 19, 2022**

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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 responses to Commission Staff’s (Staff) Second Request for Information submitted on May 19, 2022. Specifically, the attachments to Information Request No. 5. The information that Staff seeks through discovery and for which Duke Energy Kentucky now seeks confidential treatment (Confidential Information), generally includes joint use agreements and amendments thereto which contain commercially sensitive information.

In support of this Petition, Duke Energy Kentucky states:

1. Kentucky Revised Statute § 61.878(1)(c)(1) provides that records confidentially disclosed to an agency or required to be disclosed to the agency be exempt from Kentucky’s open records statutes, KRS 61.870 *et seq.* where the records are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

2. The information contained in the Confidential Information for which the Company is seeking confidential protection relates to customer specific accounts. Specifically, the Confidential Information contains commercially sensitive terms and conditions of a joint use agreement between an entity and Duke Energy Kentucky. This information, which includes pricing and other terms of joint use, would give an unfair commercial advantage to other market participants seeking joint use agreements.

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.

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. This will assure that the Confidential Information will not become available to the general public.

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,

/s/Larisa M. Vaysman

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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 June 2, 2022; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

*/s/Larisa M. Vaysman*

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Larisa M. Vaysman