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PUBLIC SERVICE  
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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

BACK-UP POWER SUPPLY PLAN )  
OF DUKE ENERGY KENTUCKY, INC. )

CASE NO. 2009-00429

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PETITION OF  
DUKE ENERGY KENTUCKY, INC.  
FOR CONFIDENTIAL TREATMENT OF INFORMATION

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Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Requesting Party), pursuant to 807 KAR 5:001, Section 7, requests the Commission to protect as confidential certain information contained in the Back-Up Power Supply Plan of Duke Energy Kentucky, Inc. In support thereof, Duke Energy Kentucky states:

1. Duke Energy Kentucky has filed today its Back-Up Power Supply Plan as required pursuant Paragraph 3 of the Order filed in Case No. 2007-00044 on March 29, 2007. This filing contains projections of Duke Energy Kentucky's monthly energy needs during 2010, and the cost of various back-up power supply plans for 2010-2014. As required by 807 KAR 5:001, Section 7(2)(b), Duke Energy Kentucky is providing one copy of the information under seal.

2. 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.

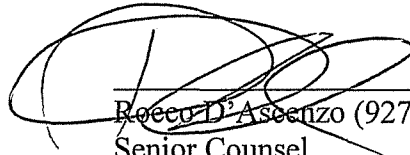
3. If Duke Energy Kentucky is forced to disclose its monthly energy needs, this would unfairly advantage Duke Energy Kentucky's competitors and counterparties in the energy markets. These counterparties could demand higher prices from Duke Energy Kentucky than they otherwise might be able to charge in the absence of this information, because the counterparties would know how much energy Duke Energy Kentucky needs to purchase. Competing purchasers of energy would thus have access to the lower cost supplies. Duke Energy Kentucky also seeks confidential treatment for the prices for various back-up power supply plans because these prices resulted from a confidential competitive bidding process. If the prices are publicly disclosed this would deter bidders from submitting bids in response to future requests for proposals. Additionally, these prices could be used as a floor for future bids, resulting in higher prices than would be the case if the information is not publicly disclosed. Once again, this would cause competing purchasers of energy to have access to the lower cost supplies. The Commission has previously treated this type of information as confidential in Case No. 2007-00044.

4. The information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Kentucky, and it is not disseminated within Duke Energy Kentucky except to those employees with a legitimate business need to know and act upon the information.

5. The public interest will be served by granting this Petition, in that keeping this information confidential should result in lower electricity rates for Duke Energy Kentucky's consumers than would occur if the information were publicly disclosed.

WHEREFORE, Duke Energy Kentucky respectfully requests that the Commission classify and protect as confidential the specific information described herein.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served on the following parties of record by first class, U.S. mail, postage prepaid this 2<sup>nd</sup> day of November, 2009.



Rocco D'Ascenzo

Hon. Dennis G. Howard  
Hon. Paul E. Adams  
Office of Attorney General  
Utility Intervention and Rate Division  
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Frankfort, Kentucky 40601