

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF DUKE ENERGY)
KENTUCKY, INC.'S ACCOUNTING SALE OF) CASE NO.
NATURAL GAS NOT USED IN ITS COMBUSTION) 2014-00078
TURBINES)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On June 6, 2014, Duke Energy Kentucky, Inc. ("Duke") moved pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its petition filed on June 6, 2015, Duke states that the information it is requesting to be held confidential is contained in its response to the Attorney General's Supplemental Data Request ("AG's Supplemental Request"), Item 9. The information is more particularly described as "actual" versus "forecasted" generation by capacity factor for the Woodsdale Generating Station. Duke states that this sensitive information, if disclosed, could result in a competitive disadvantage to Duke as set out in KRS 61.878(1)(c)(1).

Having carefully considered the Petition Requesting Confidential Treatment and the materials at issue, the Commission finds that the materials contained in Duke's response to the AG's Supplemental Request, Item 9, meet the criteria for confidential protection as set forth in KRS 61.878(1)(c)(1), and should not be placed in the public

record for a period of ten years from the date of this Order, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. Duke's Petition for Confidential Protection is hereby granted.
2. The materials contained in Duke's response to the AG's Supplemental Request, Item 9, meet the criteria for confidential protection as set forth in KRS 61.878(1)(c)(1), and are hereby granted confidential protection. The materials granted confidential protection will not be placed in the public record or made available for public inspection for a period of ten years from the date of this Order, or upon further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Duke shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Duke shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Duke is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Duke to seek a remedy afforded by law.

By the Commission



ATTEST:

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