

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)	
THE FUEL ADJUSTMENT CLAUSE OF DUKE)	CASE NO.
ENERGY KENTUCKY, INC. FROM NOVEMBER 1,)	2015-00236
2014 THROUGH APRIL 30, 2015)	
)	

ORDER REGARDING MOTION FOR CONFIDENTIAL TREATMENT

On August 31, 2015, Duke Energy Kentucky, Inc. ("Duke Kentucky") moved pursuant to 807 KAR 5:001, Section 13, for confidential treatment of certain information filed with the Commission in this case. Specifically, Duke Kentucky requests confidential treatment for a period of ten years for information submitted in response to the Commission's August 24, 2015 Request for Information, Item 20. Duke Kentucky describes this information as bid tabulations for several coal vendors that responded to coal-supply solicitations, and states that the information is not on file with any public agency, is not available from any source outside of Duke Kentucky, is distributed within Duke Kentucky only to those employees who must have access for business reasons, and is generally recognized within the energy industry as confidential and proprietary.

KRS 61.878(1)(c) exempts from public disclosure confidential information "which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records." Duke Kentucky states that public disclosure of

information for which it seeks confidential treatment would damage its competitive position and business interests. According to Duke Kentucky, if the Commission grants public access to the information, potential future bidders would have knowledge of how their competitors are pricing similar product, and could manipulate the bid solicitation process to the detriment of Duke Kentucky and its ratepayers by tailoring bids to correspond to and comport with Duke Kentucky's bidding criteria and process.

Having carefully considered Duke Kentucky's Petition for Confidential Treatment and the materials at issue, the Commission finds that:

1. Duke Kentucky's response to the Commission's August 24, 2015 Order, Appendix, Request for Information, Item 20, constitutes confidential information critical to Duke Kentucky's effective execution of business decisions and strategy.

2. The disclosure of the information contained in the response to the Commission's August 24, 2015 Order, Appendix, Request for Information, Item 20, would have a reasonable likelihood of permitting an unfair commercial advantage to competitors of Duke Kentucky.

3. Duke Kentucky has met its burden to establish that materials for which it seeks confidential treatment are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

4. The materials for which Duke Kentucky seeks confidential treatment should not be placed in the public record for ten years, or until further Order of this Commission.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's Petition for Confidential Treatment of its response to the Commission's August 24, 2015 Order, Appendix, Request for Information, Item 20, is granted.

2. The materials granted confidential protection shall not be placed in the public record nor made available for public inspection for ten years, or until further Order 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 Kentucky 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 Kentucky 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 Kentucky 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 Kentucky to seek a remedy afforded by law.

By the Commission

ENTERED
DEC 02 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2015-00236

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