

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF DUKE ENERGY KENTUCKY,)	
INC. FOR (1) A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY AUTHORIZING)	
THE CONSTRUCTION OF AN ADVANCED)	CASE NO.
METERING INFRASTRUCTURE; (2) REQUEST)	2016-00152
FOR ACCOUNTING TREATMENT; AND (3) ALL)	
OTHER NECESSARY WAIVERS, APPROVALS,)	
AND RELIEF)	

ORDER

On June 7, 2016, Duke Energy Kentucky, Inc. (Duke Kentucky), filed a petition requesting confidential protection for certain materials for a period of 20 years, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

As a basis for its motion, Duke Kentucky states that its responses to Commission Staff's First Request for Information (Staff's First Request), Items 32 and 34, consist of copyrighted subscription restricted materials and detailed forecasted financial data and cost assumptions for a 17-year period. Duke Kentucky contends that the designated materials consist of commercially sensitive information that if publicly disclosed would result in competitive harm to Duke Kentucky by undermining its ability to manage its costs.

Having considered the petition and the materials at issue, the Commission finds that the information contained in Duke Kentucky's responses to Staff's First Request, Items 32 and 34 meet the criteria for confidential treatment and are exempt from public disclosure, pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential protection for its responses to Staff's First Request, Items 32 and 34, is granted.

2. The designated materials shall not be placed in the public record or made available for public inspection for a period of 20 years, or until 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 Kentucky shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect the materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, 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 designated 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
JAN 03 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

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Executive Director

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