

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF DUKE ENERGY KENTUCKY FROM)	2016-00234
NOVEMBER 1, 2015 THROUGH APRIL 30, 2016)	

ORDER

On October 5, 2016, Duke Energy Kentucky, Inc. (Duke Kentucky), filed a petition, pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed with the Commission be afforded confidential protection for a period of ten years.

In support of its request, Duke Kentucky states that the information it is requesting to be held confidential is contained in its responses to Commission Staff's Second Request for Information (Staff's Second Request), Items 1 and 3. The designated material is described as confidential fuel procurement policies, bid tabulation related to coal solicitations, and an analysis of power costs. Duke Kentucky contends that public disclosure of the designated materials would result in commercial harm to Duke Kentucky in negotiating future contracts.

Having considered the petition and the materials at issue, the Commission finds that the information contained in Duke Kentucky's responses to Staff's Second Request, Items 1 and 3 meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential protection for its responses to Staff's Second Request, Items 1 and 3 is granted.

2. The designated materials shall not be placed in the public record or made available for public inspection for a period of ten years, or until further Orders of this Commission.

3. Use of the material 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 material in question becomes publicly available or no longer qualifies for confidential treatment.

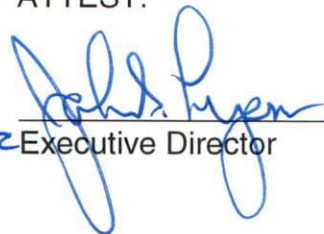
5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Duke Kentucky shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Duke Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

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

By the Commission

ENTERED
JAN 02 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



For Executive Director

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