

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. FOR A CERTIFICATE OF PUBLIC	)	CASE NO.
CONVENIENCE AND NECESSITY FOR DRY	)	2016-00268
BOTTOM ASH CONVERSION OF THE EAST BEND	)	
GENERATING STATION	)	

ORDER

This matter arises on a petition filed on September 28, 2016, by Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for ten years.

In support of its petition filed on September 28, 2016, Duke Kentucky states that public disclosure of the designated materials contained in its response to Commission Staff's First Request for Information, Item No. 2 could result in competitive injury by revealing proprietary data and rates of a third party.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Duke Kentucky's September 28, 2016 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's September 28, 2016 petition for confidential protection is granted.

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

3. Use of the designated materials 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 designated materials become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect the designated 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 30 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 30 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 24 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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