

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF DUKE)	
ENERGY KENTUCKY, INC., EAST KENTUCKY)	CASE NO.
POWER COOPERATIVE, INC., KENTUCKY)	2017-00410
UTILITIES COMPANY, AND LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR APPROVAL OF)	
TRANSACTIONS RELATED TO THE RESTORE)	
AGREEMENT)	

ORDER

This matter arises on a joint petition filed on November 30, 2017, by Duke Energy Kentucky, Inc., East Kentucky Power Cooperative, Inc., Kentucky Utilities Company, and Louisville Gas and Electric Company (collectively, Joint Applicants), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for an indefinite period.

In support of its petition, Joint Applicants state that public disclosure of the designated materials contained in their response to Commission Staff's First Request for Information (Staff's First Request), items 5 and 6(b), which consists of detailed critical energy infrastructure information, is prohibited by KRS 61.878(1)(m)(1) because public disclosure would have a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Joint Applicants' November 30, 2017 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(m)(1).

IT IS THEREFORE ORDERED that:

1. Joint Applicants' November 30, 2017 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 an indefinite period, 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. Joint Applicants 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, Joint Applicants 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 Joint Applicants are 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 Joint Applicants to seek a remedy afforded by law

By the Commission

ENTERED
JUN 11 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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