

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	
CLAUSE OF DUKE ENERGY KENTUCKY, INC.)	CASE NO.
FROM May 1, 2017 THROUGH OCTOBER 31,)	2018-00022
2017)	

ORDER

On February 20, 2017, Duke Energy Kentucky, Inc. (“Duke Kentucky”) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of Response 4 to the information requested in an Appendix to the Commission’s Order dated February 16, 2018. Specifically, Duke Kentucky seeks confidential treatment of written solicitations for coal supplies (“Response No. 4”).

As the basis for its request, Duke Kentucky states that public disclosure of this information would reveal commercially valuable information about the manner in which Duke Kentucky conducted solicitations for coal supplies and would reveal bid data gathered from a high percentage of companies in the coal industry. Duke Kentucky asserts that this information, if disclosed, would have the potential to cause market manipulations in the future and may impair Duke Kentucky’s ability to conduct further solicitations by chilling the response from potential suppliers. Duke Kentucky also asserts that the information was developed internally and is not available from any other

source than Duke Kentucky. Duke Kentucky requests that the information in Response 4 remain confidential for ten years.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Response 4 is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted 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 Response 4 is granted. The information shall not be placed in the public record or made available for ten years, or until further Orders of this Commission.

2. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

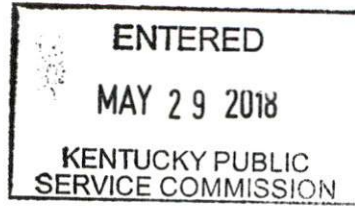
3. Duke Kentucky shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

4. 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, then 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.

5. 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.

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By the Commission



ATTEST:


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