

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT PHASE TWO OF ITS WEST)	2018-00156
LANDFILL AND FOR APPROVAL TO AMEND ITS)	
ENVIRONMENTAL COMPLIANCE PLAN FOR)	
RECOVERY BY ENVIRONMENTAL SURCHARGE)	
MECHANISM)	

ORDER

On August 24, 2018, Duke Energy Kentucky, Inc. (Duke Kentucky), filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c), requesting that the Commission grant confidential protection for 10 years for the information contained in Duke Kentucky's response to Commission Staff's First Request for Information (Staff's First Request), Item 6.

As a basis for its request, Duke Kentucky states that the information contained in its discovery response reveals the identities of third-party vendors who provided price quotes for services requested by Duke Kentucky. Duke Kentucky states that Staff's First Request, Item 6, seeks documentation of the market inquiries of third-party landfill operators and a cost breakdown of the on-site transportation and disposal expenses. Duke Kentucky maintains that disclosure of the identity of the third-party landfill operator would likely impair its relationships with the operator as it would publicly disclose the price this particular operator would charge Duke Kentucky. Duke Kentucky further states that

keeping the identity of the potential vendor(s) confidential enables the company to release the cost information into the public record providing a transparent review process.

Having considered the petition and the material at issue, the Commission finds that the information contained in Duke Kentucky's response to Staff's First Request, Item 6, is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential protection for certain information contained in its response to Staff's First Request, Item 6, and as described herein, is granted.

2. The designated information contained in Duke Kentucky's response to Staff's First Request, Item 6, shall not be placed in the public record or made available for public inspection for 10 years or until further Order 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.

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By the Commission

ENTERED
JAN 04 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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