

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ANNUAL COST RECOVERY)	CASE NO.
FILING FOR DEMAND SIDE MANAGEMENT BY)	2018-00370
DUKE ENERGY KENTUCKY, INC.)	

ORDER

This matter arises on a petition filed by Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, requesting confidential protection to its attachment filed in response to STAFF-DR-01-012 for ten years. The designated material is Confidential Attachment STAFF-DR-01-012, which contains information regarding Duke Kentucky's capacity position in the wholesale markets to meet reliability obligations.

As a basis for its request, Duke Kentucky asserts that public disclosure of the designated information will result in unfair commercial advantage to Duke Kentucky's competitors. Duke Kentucky states that the designated information is integral to Duke Kentucky's ability to effectively execute business decisions and that such information has generally been regarded as confidential or proprietary.

Having carefully considered the petition and the material at issue, the Commission finds that the designated information contained in Duke Kentucky's Confidential Attachment STAFF-DR-01-012, is information that is generally recognized as confidential, 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 Confidential Attachment STAFF-DR-01-012, is granted.

2. The designated material in Confidential Attachment STAFF-DR-01-012 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 materials 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 materials have been granted confidential treatment has not run, then 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 requested 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
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00370

*L Allyson Honaker
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*E. Minna Rolfes-Adkins
Paralegal
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*Rebecca W Goodman
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Debbie Gates
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Rocco O D'Ascenzo
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Justin M. McNeil
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Kent Chandler
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45202

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204