

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE	)	CASE NO.
ENERGY KENTUCKY, INC. TO AMEND ITS	)	2019-00277
DEMAND SIDE MANAGEMENT PROGRAMS	)	

ORDER

On November 22, 2019, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for ten years to Duke Kentucky's response to the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention's Second Request for Information (Attorney General's Second Request), Items 13, which consists of vendor information provided pursuant to a request for proposal.

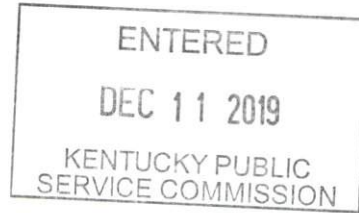
As a basis for its request, Duke Kentucky states that public disclosure of the designated materials could place Duke Kentucky at a commercial disadvantage as it negotiates contracts with vendors in the future, because vendors or their competitors could use the confidential information to manipulate prices, and could discourage future participation by potential vendors. Duke Kentucky further states that public disclosure of the designated materials could potentially harm Duke Kentucky's ability to negotiate the best prices possible, which in turn adversely impacts Duke Kentucky's customers. Finally, Duke Kentucky states that this same information was granted confidential treatment in the Commission's November 15, 2019 Order in this proceeding.

Having considered the petition and the material at issue, the Commission finds that the designated materials are generally recognized as confidential or proprietary and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential protection for Attorney General's Second Request, Item 13 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 Order 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 materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect the materials 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 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 material no longer qualifies for confidential treatment in order to allow Duke Kentucky to seek a remedy afforded by law.

By the Commission



ATTEST:

  
Executive Director

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