

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 A 138 KV TRANSMISSION LINE	)	2019-00361
AND ASSOCIATED FACILITIES IN BOONE	)	
COUNTY, KENTUCKY (WOODSPOINT TO AERO	)	
TRANSMISSION LINE PROJECT)	)	

ORDER

This matter arises on a petition filed by Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to KRS 61.878(1)(m)(1) and 807 KAR 5:001, Section 13, requesting confidential treatment for Exhibits 2 and 4, pages 31, 32, and 33 of Duke Kentucky's application for a Certificate of Public Convenience and Necessity to Construct a 138 KV Transmission Line and Associated Facilities in Boone County, Kentucky (Application) until such time as the facilities depicted therein are no longer in service. In particular, Duke Kentucky states that Exhibits 2 and 4 contain records and analysis that include detailed depictions, locations, schematic drawings, and maps of utility infrastructure.

Duke Kentucky maintains that, if disclosed, the information sought to be treated as confidential would provide details regarding utility infrastructure that, in the wrong hands, could be exploited and used in ways that could create security and potential public safety risks. Further, Duke Kentucky maintains that the designated information is only distributed within Duke Kentucky to those who must have access to the information for business reasons.

Having carefully considered the petition and the material at issue, the Commission finds that the designated information contained in Exhibit 2 of Duke Kentucky's Application 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)(m)(1) and 807 KAR 5:001, Section 13. As to Exhibit 4, Pages 31, 32, and 33, of Duke Kentucky's Application, although the Commission finds that the designated information is generally recognized as confidential, it does not meet the criteria for KRS 61.878(1)(m)(1) as argued by Duke Kentucky. Instead, the Commission finds that the designated information in Exhibit 4 is a trade secret as defined by KRS 365.880(4) and falls within the trade secret exemption from disclosure pursuant to KRS 61.878(c).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's petition for confidential treatment for Exhibits 2 and 4, Pages 31, 32, and 33, of its Application is granted.
2. Duke Kentucky's request to keep the information identified out of the public record and not be subject to public inspection for until such time as the facilities depicted therein are no longer in service is granted.
3. The designated material in Exhibits 2 and 4 shall not be placed in the public record or made available for public inspection until such time as the facilities depicted therein are no longer in service, or until further Orders of this Commission.
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
5. Duke Kentucky shall inform the Commission if the information in question becomes publicly available or no longer qualifies for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials 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.

7. 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  
MAR 25 2020 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2019-00361

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