

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 |) | CASE NO. |
| AND NECESSITY AUTHORIZING THE |) | 2019-00388 |
| CONSTRUCTION OF A GAS PIPELINE FROM |) | |
| ERLANGER, KENTUCKY TO HEBRON, |) | |
| KENTUCKY |) | |

ORDER

This matter arises on a petition for confidential treatment filed on January 7, 2020, by Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that designated materials filed with the Commission be afforded confidential protection for ten years.

In support of its petition, Duke Kentucky states that public disclosure of the designated material contained in its responses to the Commission Staff's First Request for Information, Items 2 and 3, would result in competitive injury because the information contained in those items describe specific customer names, as well as operating characteristics of its natural gas pipeline. Duke Kentucky further argues that the Kentucky Open Records Act exempts from disclosure certain critical infrastructure information pursuant to KRS 61.878(1)(m). Duke Kentucky contends that the confidential information relates to the operation of Duke Kentucky's natural gas pipelines in Northern Kentucky, and identifies the pattern for the flow of natural gas throughout the system and also provides specific information regarding the observed nominal and targeted pressures for

some of the pipelines. Duke Kentucky asserts that if made public, this information would disclose the location, configuration, or security of critical systems including public utility critical systems.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Duke Kentucky's January 7, 2020 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(m).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's January 7, 2020 petition for confidential protection is granted.

2. The designated material granted confidential treatment by this Order 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 designated material granted confidential treatment by this Order 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 designated material granted confidential treatment by this Order become publicly available or no longer qualify for confidential treatment.

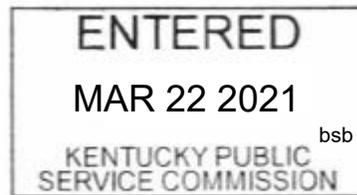
5. If a nonparty to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, Duke Kentucky shall have 30 days from receipt of written notice of the request 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 designated materials available for inspection for 30 days from the date of service of an Order finding that the material no longer qualify for confidential treatment in order to allow Duke Kentucky to seek a remedy afforded by law.

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By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Lindwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

Case No. 2019-00388

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