

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR 1) AN ADJUSTMENT OF)	
THE ELECTRIC RATES; 2) APPROVAL OF NEW)	CASE NO.
TARIFFS; 3) APPROVAL OF ACCOUNTING)	2019-00271
PRACTICES TO ESTABLISH REGULATORY)	
ASSETS AND LIABILITIES; AND 4) ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

ORDER

On March 10, 2020, Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to 807 KAR 5:001, Section 13, filed a petition requesting confidential treatment for its responses to Commission Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request), Request Nos. 3, 7, 11, and 27. Duke Kentucky requests that the designated information remain confidential for 20 years. Specifically, Duke Kentucky requested confidential treatment for the following documents:

1. Materials filed in response to Staff's Post-Hearing Request, Request No. 3.

The designated information is described by Duke Kentucky as Duke Kentucky created Customer Connect Program data. Request No. 3 states, "Provide the final design of the Revert to Owner program and the language Duke Kentucky will include in its tariff once the proposed program is implemented."

2. Materials filed in response to Staff's Post-Hearing Request, Request No. 7.

The designated information is described by Duke Kentucky as copies of its vendor

contracts. Duke Kentucky states it seeks confidential treatment for the pricing and cost of each individual contract.

3. Materials filed in response to Staff's Post-Hearing Request, Request No. 11. The designated information is described by Duke Kentucky as customer information regarding customer projects.

4. Materials filed in response to Staff's Post-Hearing Request, Request No. 27. The designated information is described by Duke Kentucky as a copy of one of its vendor contracts. Duke Kentucky states it seeks confidential treatment for the pricing and cost of the contract.

Duke Kentucky asserts that the designated information is proprietary information retained by Duke Kentucky on a need-to-know basis. Duke Kentucky also asserts that the designated information is generally recognized as confidential and proprietary in the energy industry and business generally. Duke Kentucky states the designated information containing internal procedures are considered proprietary and trade secret information as they contain sensitive business operations procedures, which if made available, would potentially harm Duke Energy Corporation and Duke Kentucky. Duke Kentucky asserts that if the designated information was publicly disclosed Duke Kentucky's competitors would have insight into the internal operations of Duke Energy Corporation, which they could then use and incorporate into their own business strategies, to the detriment of Duke Energy and its customers. Duke Kentucky states that the information obtained from third-party vendors was provided in accordance with licensing agreements or other contracts that should be protected. Duke Kentucky asserts that this information has value to the vendors and, if publicly disclosed, would put Duke

Kentucky, and its sister companies, at a disadvantage in being able to procure such services in the future. Duke Kentucky states that vendors may be unwilling to provide such services to Duke Kentucky and its sister companies at the same or lower costs if it is known that such costs would be made public.

Having carefully considered the petition and the material at issue, the Commission finds that the designated materials contained in Duke Kentucky's responses to Staff's Post-Hearing Request, Request Nos. 3, 7, 11, and 27, is information that meets the criteria for confidential treatment and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's March 10, 2020 petition for confidential protection is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for 20 years, or until further Orders of this Commission.
3. Use of the designated materials 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 materials become publicly available or no longer qualify for confidential treatment.
5. If a non-party 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 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.

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By the Commission



ATTEST:



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