

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF HOME)	
ENERGY ASSISTANCE PROGRAMS)	CASE NO.
OFFERED BY INVESTOR-OWNED UTILITIES)	2019-00366
PURSUANT TO KRS 278.285(4))	

ORDER

On July 15, 2020, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for an indefinite period for customer information contained in Duke Kentucky's annual report for its home energy assistance (HEA) program.

In support of its motion, Duke Kentucky stated that the designated material consists of customer account information, including names, addresses, and billing data, that is used to determine eligibility for HEA program assistance based upon income and need. Duke Kentucky asserted that public disclosure of the designated material would result in an invasion of personal privacy. Therefore, public disclosure would discourage customers from seeking assistance, which would undermine the program and result in more disconnections for nonpayment and uncollectible debt that is recovered through utility rates.

The Commission notes that Duke Kentucky requested confidential treatment pursuant to KRS 61.878(1)(c), which exempts certain commercial information from public disclosure. However, due to the nature of the designated material and the basis set forth by Duke Kentucky to support its petition, the applicable statute is KRS 61.878(1)(a), which

prohibits public disclosure of information of a personal nature that, if publicly disclosed, would constitute a clearly unwarranted invasion of personal privacy.

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's July 15, 2020 motion for confidential protection is granted.
2. The designated material shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Order 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 becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the material 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 material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Duke Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of 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.

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By the Commission



ATTEST:



Deputy Executive Director

Case No. 2019-00366

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