

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 February 14, 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 Second Request for Information, Items 1, 3, and 4 would result in competitive injury because they contain a specific customer's name, account information, as well as load information. Duke Kentucky argues that if the confidential information concerning how the customer operates and uses natural gas were released then it would give the customer's competitors a distinct advantage. Moreover, Duke Kentucky contends that the disclosure of specific load information would have a chilling effect on Duke Kentucky's ability to negotiate pricing in the future for similar services if this information were publicly available to the customer's own competitors. In addition, Duke Kentucky asserts that the release

of the designated material would threaten public safety by providing precise locations of critical utility infrastructure that could be used and exploited to the detriment of the safety of the general public, which is prohibited by KRS 61.878(1)(m).

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

IT IS THEREFORE ORDERED that:

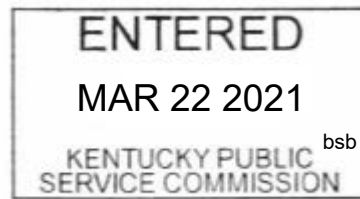
1. Duke Kentucky's February 14, 2020 petition for confidential protection is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission.
3. 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:


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