

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF DUKE)	
ENERGY KENTUCKY, INC. OF A NATURAL)	CASE NO.
GAS SERVICE MINIMUM USAGE)	2020-00041
AGREEMENT AND A PETITION FOR)	
CONFIDENTIAL TREATMENT)	

ORDER

On April 13, 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 ten years for portions of Duke Kentucky’s response to Commission Staff’s Second Request for Information (Staff’s Second Request), Items 1, 2, 3, 10, and 13, which are related to a specific customer’s account information, load information, and amount and pricing of services.

In support of its petition, Duke Kentucky argues that the designated material include sensitive pricing information to determine the customer’s costs under the agreement, estimations of the customer’s facilities, and allocation percentage derived through Duke Kentucky’s proprietary modeling tool for the specific customer, and customer future load forecasts that detail how the customer operates and uses natural gas, which would give that customer’s competitors a distinct advantage. According to Duke Kentucky, the customer is concerned that the release of this information could compromise their competitive position in the marketplace. By releasing this information to the public, Duke Kentucky and the customer would both be at a competitive

disadvantage. Duke Kentucky contends that potential vendors would know what Duke Kentucky forecasts as its costs for projects and potentially adjust its bids on future projects based upon that information. Also, Duke Kentucky argues that competitors of the customer would have access to the customer's forecasted load. Duke Kentucky explained that it entered into a nondisclosure agreement with the customer to keep their identity and load information confidential, and that the designated material is generally recognized as confidential and proprietary in the gas industry.

Having considered the petition 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)(c)(1).

Commission findings are based upon application of KRS 61.878(1)(c)(1) and are not in anyway based on the alleged nondisclosure agreement between Duke Kentucky and any of its customers.

IT IS THEREFORE ORDERED that:

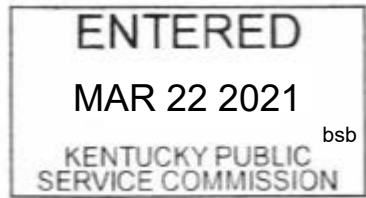
1. Duke Kentucky's April 13, 2020 petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply 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 materials 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.

By the Commission



ATTEST:


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