

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 January 27, 2020, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for ten years to the Natural Gas Service Minimum Usage Agreement (Agreement). The Agreement contains the name of a specific customer, customer account information, specific load information, competitive pricing, and certain operating characteristics of its natural gas pipelines.

In support of its motion, Duke Kentucky argues that the Agreement includes sensitive load/requirements information and the costs to serve that customer. According to Duke Kentucky, this information details how the customer operates and uses natural gas that would give that customer's competitors a distinct advantage. 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. Duke Kentucky also argues that the information contained in the Agreement for which it is seeking confidential protection 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 those 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, which is unacceptable under KRS 61.878(1)(m).

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

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

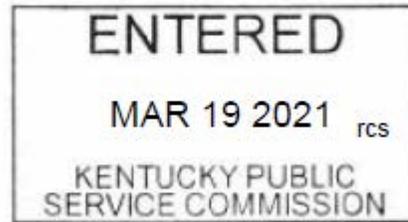
IT IS THEREFORE ORDERED that:

1. Duke Kentucky's January 27, 2020 motion 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 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 materials 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:

---

Executive Director

\*Debbie Gates  
Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45201

\*Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45202

\*Minna Sunderman  
Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45201

\*Rocco O D'Ascenzo  
Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45201