

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE	)	
APPLICATION OF THE FUEL ADJUSTMENT	)	CASE NO.
CLAUSE OF DUKE ENERGY KENTUCKY, INC.	)	2020-00249
FROM NOVEMBER 1, 2019 THROUGH	)	
APRIL 30, 2020	)	

ORDER

On September 2, 2020, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a motion, pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of Duke Kentucky's Response to the Commission's Order dated August 19, 2020. Specifically, Duke Kentucky seeks confidential treatment its Response to Request No. 21 for ten years.

Duke Kentucky contends that its Response to Request No. 21 contains confidential and proprietary information that includes fuel solicitation proposal evaluations and rankings. Duke Kentucky contends that the information is confidential because it details its Regulated Fuels Group's fuel procurement strategy, risk mitigation actions, and tolerances associated with procuring fuel and obtaining competitive pricing.

According to Duke Kentucky, the confidential information, if disclosed, would divulge inside information to potential competitors and fuel vendors. Specifically, releasing this information would harm Duke Kentucky and its customers, as competitors and counterparties would know how Duke Kentucky evaluates its fuel supply and procures fuel for its generating station. Duke asserts that competitors could use this

information to manipulate the market and cause economic harm to Duke Kentucky's customers by adjusting their bidding strategies and potentially affecting the price Duke Kentucky pays for coal.

Having considered the motion and the material at issue, the Commission finds that the information contained in Duke Kentucky's Response to Request No. 21 is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's 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 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 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:

  
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