

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC BACK-UP POWER SUPPLY)	CASE NO.
PLAN OF DUKE ENERGY KENTUCKY, INC.)	2021-00086

ORDER

On March 1, 2021, Duke Energy Kentucky (Duke Kentucky) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of its Back-Up Power Supply Plan, which is required pursuant to ordering paragraph 3 of the Commission’s April 28, 2020 Order in Case No. 2020-00089.¹

In support of its petition, Duke Kentucky contends that the compilations and projections included in its Back-Up Power Supply Plan filing detail its “forecasted future energy positions and needs, estimated costs, forecasted forced outage rates, unforced capacity ratings, future planned outages, ongoing risk hedging strategies being evaluated, and the cost of various backup power supply alternatives (calls, options, insurance, etc.) submitted in response to a confidential request for proposal (RFP) for 2017-2018.”² According to Duke Kentucky, public disclosure of the designated material would not only permit an unfair advantage to Duke Kentucky’s competitors in the energy markets, but it would also divulge information that was provided as a result of a

¹ Case No. 2020-00089, *Electronic Application of Duke Energy Kentucky, Inc. to Extend the Filing Deadline of Its Backup Power Supply Plan* (Ky. PSC Apr. 28, 2020) at 5.

² Petition of Duke Energy Kentucky, Inc. for Confidential Treatment of Information Contained in Its Backup Power Supply Plan (filed Mar. 1, 2021) at 1.

confidential RFP. Duke Energy further asserts that the designated material is not known outside of Duke Energy Corporation and is made available exclusively to those Duke Kentucky employees with a legitimate business need to know.

Having considered the petition and the material at issue, the Commission finds that the aforementioned designed material 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 and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

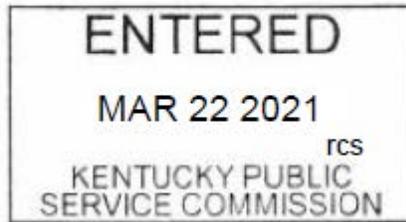
1. Duke Kentucky's petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection ten years or until further Order of this Commission.
3. Use of the designated material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


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