

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ALLEGED FAILURE OF DUKE)	CASE NO.
ENERGY KENTUCKY, INC. TO COMPLY WITH)	2024-00114
KRS 278.160(2))	

ORDER

This matter arises upon three petitions for confidential treatment filed by Duke Energy Kentucky, Inc. (Duke Kentucky), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878.

On July 15, 2024, Duke Kentucky requested that the Commission grant confidential treatment for an indefinite period for Attachment 1 filed in response to Commission Staff's First Request for Information (Staff's First Request), Item 3(c), which included lists of customers who participated in Duke Kentucky's Annual Budget Billing program. On August 23, 2024, Duke Kentucky requested that the Commission grant confidential treatment for an indefinite period for its first supplemental response to Staff's First Request, Item 3(c), which updated the ongoing request. On November 26, 2024, Duke Kentucky requested that the Commission grant confidential treatment for an indefinite period for its second supplemental response to Staff's First Request, Item 3(c), which updated the ongoing request.

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as

otherwise provided by KRS 61.870 to 61.884.”¹ Exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.² The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.³ In support of its motions, Duke Kentucky argued for the application of KRS 61.878(1)(a), which exempts “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”

Having considered the petitions and the material at issue, the Commission finds that Duke Kentucky’s motions should be granted because disclosure of individual customers’ budget billing status would constitute a clearly unwarranted invasion of personal privacy. The designated material should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky’s July 15, 2024, August 23, 2024, and November 26, 2024 petitions for confidential treatment are 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 an indefinite period 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).

¹ KRS 61.872(1).

² See KRS 61.871.

³ 807 KAR 5:001, Section 13(2)(c).

4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Duke Kentucky shall inform the Commission and file with the Commission an unredacted copy of the designated material.


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.

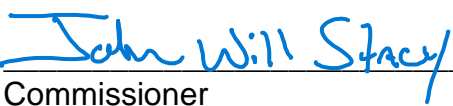
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director

ENTERED
FEB 06 2025 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

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