



DUKE ENERGY CORPORATION

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Kristen Cocanougher  
Sr. Paralegal  
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**VIA OVERNIGHT DELIVERY**

March 10, 2011

Mr. Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40601

RECEIVED

MAR 11 2011

PUBLIC SERVICE  
COMMISSION

Re: Administrative Case No. 387 – Annual Load/Demand Forecast Report

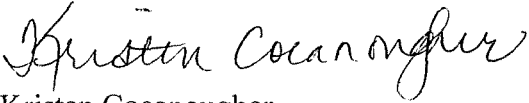
Dear Mr. Derouen:

Enclosed please find updated redacted responses to Commission data requests filed annually as ordered in Administrative Case No. 387, ¶ 2, dated October 7, 2005. These updated responses are being filed separately from the Annual Reporting of Duke Energy Kentucky upon request.

We have included the unredacted updated responses in a separate envelope to be filed under seal. Also enclosed is a Petition for Confidential Treatment for your consideration in the above referenced matter.

Please date-stamp the two copies of the letter and the filings and return to me in the enclosed envelope.

Sincerely,

  
Kristen Cocanougher

**REQUEST:**

6. Based on the most recent demand forecast, the base case demand and energy forecasts and high case demand and energy forecasts and high case demand and energy forecasts for the current year and the following four years. The information should be disaggregated into (a) native load (firm and non-firm demand) and (b) off-system load (both firm and non-firm demand).

***CONFIDENTIAL PROPRIETARY TRADE SECRET***

**RESPONSE:**

[REDACTED]

[REDACTED]



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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

A Review of The Adequacy of )  
Kentucky's Generation Capacity and )  
Transmission System )

Administrative  
Case No. 387

MAR 11 2011  
PUBLIC SERVICE  
COMMISSION

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**DUKE ENERGY KENTUCKY, INC.'S  
PETITION FOR THE CONFIDENTIAL TREATMENT OF CERTAIN  
INFORMATION FILED FOR CALENDAR YEAR 2010**

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Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company) respectfully submits this petition in accordance with 807 KAR 5:001 Section 7, seeking the confidential treatment of certain information filed for calendar year 2010:

1. On October 7, 2005, the Commission issued an Order in this proceeding requiring Duke Energy Kentucky to file responses to Commission's questions in Administrative Case No. 387 within the annual report filed with the Commission. On June 25, 2009, the Commission requested the Company file its annual load/demand forecast separately from its annual report filed with the Commission.

2. The Commission's regulations, in 807 KAR 5:001, provide that any person requesting confidential treatment of any material file a petition setting forth the grounds, pursuant to KRS 61.870 *et seq.*, upon which the Commission should classify that material as confidential.

3. Kentucky Revised Statute § 61.878(1)(c)(1) provides that records confidentially disclosed to an agency or required to be disclosed to the agency be exempt

from Kentucky's open records statutes, KRS 61.870 *et seq.* where the records are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

4. Duke Energy Kentucky submits that the following information, if openly disclosed, could present antitrust issues by giving its competitors access to competitively sensitive, confidential information, which in turn could cause energy prices to consumers to be above competitive rates, and would permit competitors of Duke Energy Kentucky to gain an unfair competitive advantage in the marketplace:

- a. Most recent demand forecasts and case demands and also for the following four years.
- b. Scheduled outages or retirements of generating capacity during the current year and the following four years.

5. The above information, if openly disclosed, would enable competitors in the wholesale power market to ascertain the manner in which the Company manages and operates their portfolio of generation assets. A list of projected demand will provide power marketing competitors with knowledge that will allow them potentially to manipulate the marketplace so as to unnecessarily cause consumers to pay more for electricity than they otherwise would.

A list of projected outages costs will grant competitors a distinct advantage in that they would be able to anticipate Duke Energy Kentucky generation costs. With this information, a competitor could take actions that in the absence of this information it would not take. Such actions might include adjusting its prices, either to win contracts on

which Duke Energy Kentucky may also be bidding — business the competitors otherwise would not be in a position to win, or to set its prices artificially high to take advantage of such knowledge, the latter action obviously forcing consumers to pay higher prices for power.

6. The Commission granted confidential protection to the responses to these same data requests as part of the Company's annual updates in prior years.

7. Pursuant to 807 KAR 5:001 Section 7, Duke Energy Kentucky has attached to this Petition, under seal, one copy of Nos. six (6) and eleven (11) of the Responses to the Commission's Information Requests and two copies of Nos. six (6) and eleven (11) of the Responses to the Commission's Information Requests with the confidential material omitted or otherwise redacted.

WHEREFORE, Duke Energy Kentucky respectfully request that the Commission:

1. Accept this Petition for filing;
2. Grant the information delineated herein confidential treatment in accordance with 807 KAR 5:001 Section 7 and KRS 61.870 *et seq.*

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.



Rocco D'Ascenzo (92796)

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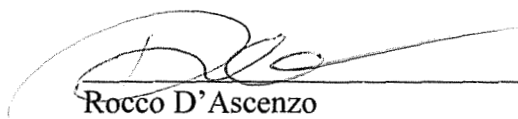
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing filing was served on the following via ordinary mail, postage prepaid, this 10 day of March, 2011:

Kentucky Public Staff  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky, 40601

  
Rocco D'Ascenzo