

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF DUKE)	
ENERGY KENTUCKY, INC. FOR APPROVAL OF)	CASE NO.
AN ECONOMIC DEVELOPMENT INCENTIVE)	2022-00394
SERVICE AGREEMENT WITH DIVERSEY, INC.)	

ORDER

On April 1, 2024, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for Attachment 1 included with Duke Kentucky's 2023 Annual Report.

In support of its petition, Duke Kentucky argued that Attachment 1 includes detailed usage and billing information for one specific customer, including the precise amount of energy consumption and pricing of electric services for a specific facility.¹ The information includes a years' worth of hourly interval electric usage along with the corresponding PJM Locational Marginal Price (LMP) data for the same hourly interval periods. Duke Kentucky argued that this type of information is generally recognized as confidential or proprietary in nature and that public disclosure of the designated materials would give the customer's competitors and/or vendors a potential advantage in

¹ Petition of Duke Energy Kentucky, Inc. for Confidential Treatment of Information Contained in its 2023 Annual Report (Duke Kentucky's Petition for Confidential Treatment) (filed Apr. 1, 2024) at 2.

negotiating transactions because it details how the customer operates and uses electricity.²

Having considered the petition and the material at issue, the Commission finds that Attachment 1 included with Duke Kentucky's 2023 Annual Report is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1). The Commission has previously granted confidential treatment relating to customer specific usage data and customer specific billing information in Case No. 2021-00103,³ Case No. 2020-00041,⁴ and Case No. 2020-00064.⁵

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's April 1, 2024 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 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).

² Duke Kentucky's Petition for Confidential Treatment at 2.

³ Case No. 2021-00103, *Electronic Application of Eat Kentucky Power Cooperative, Inc. for a General Adjustment of Rates, Approval of Depreciation Study, Amortization of certain Regulatory Assets, and Other General Relief*, (Ky. PSC Sept. 10, 2021), Order.

⁴ Case No. 2020-00041, *Electronic Tariff Filing of Duke Energy Kentucky, Inc. of a Natural Gas Service Minimum Usage Agreement and a Petition for Confidential Treatment*, (Ky. PSC Mar. 22, 2021), Order.

⁵ Case No. 2020-00064, *Electronic Application of Big Rivers Electric Corporation for Approval to Modify its MRSM Tariff, Cease Deferring Depreciation Expenses, Establish Regulatory Assets, Amortize Regulatory Assets, and Other Appropriate Relief*, (Ky. PSC June 30, 2020), Order.

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


Vice Chairman


Commissioner

ENTERED
MAY 03 2024 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

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

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

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

*Larisa Vaysman
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