

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	CASE NO.
KENTUCKY, INC. FOR AN ADJUSTMENT TO)	2023-00413
RIDER NM RATES AND FOR TARIFF APPROVAL)	

ORDER

On June 7, 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 20 years for Duke Kentucky's response to Commission Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request), Item 1(a), Attachments 1-4; Item 11, Attachments 1-5; and Item 6.

In support of its petition, Duke Kentucky argued that the confidential information contained in the attachments to Duke Kentucky's response to Staff's Post-Hearing Data Nos. 1 and 11, included detailed supporting data, calculations, and forecasts for wholesale energy, capacity, environmental compliance costs, and distribution and transmission avoided costs, developed using proprietary modeling, should be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1).¹ Duke Kentucky argued that the information contained in response to Staff's Post Hearing Request, Item 6 discussed communications between Duke Kentucky and a certain customer and confidential treatment is requested to protect the customer identified.²

¹ Duke Kentucky's Petition for Confidential Treatment (filed June 7, 2024) (Petition) at 2.

² Petition at 3.

Having considered the petition and the material at issue, the Commission finds that Duke Kentucky's responses to Staff's Post-Hearing Request, Item 1(a), Attachments 1-4; and Item 11, Attachments 1-5 are generally recognized as confidential or proprietary, the release of which would result in an unfair commercial advantage to Duke Kentucky's competitors; 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) for a 20 year period. Likewise, Duke Kentucky's response to Staff's Post-Hearing Request, Item 6, 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)(a) for the same reasons.³ Duke Kentucky's response to Staff's Post-Hearing Request, Item 6 should be granted confidential treatment indefinitely.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's June 7, 2024 petition for confidential treatment is granted.
2. Duke Kentucky's response to Staff's Post-Hearing Data Nos. 1 and 11, Attachments granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for 20 years or until further order of this Commission.
3. Duke Kentucky's response to Staff's Post-Hearing Request, Item 6 granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection indefinitely or until further order of this Commission.
4. 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).

³ Duke Kentucky's petition requested confidential treatment pursuant to KRS 61.878(1)(c)(1).

5. 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.

6. 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 20 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.


7. 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.

Entered on this 12th day of June, 2026.


PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Commissioner



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2023-00413

* L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

* Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Ashley Wilmes
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

* Audrey Ernstberger
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

* Byron Gary
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

* Debbie Gates
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

* Honorable David Edward Spenard
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KY 40202

* Thomas J FitzGerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

* Denotes served by Email

* John G Horne, II
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

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

* Larisa Vaysman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

* Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Matt Partymiller
President
Kentucky Solar Industries Association
1038 Brentwood Court
Suite B
Lexington, KY 40511

* J. Michael West
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* 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

* Randal A. Strobo
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KY 40202