

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. FOR AN ORDER APPROVING	)	
THE ESTABLISHMENT OF A REGULATORY	)	CASE NO.
ASSET FOR THE LIABILITIES ASSOCIATED	)	2021-00405
WITH THE RETIREMENT OF CERTAIN	)	
PROPANE-AIR FACILITIES	)	

ORDER

On December 13, 2021, Duke Energy Kentucky (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 sensitive information which shows fuel costs, including costs associated with labor.

In support of its petition, Duke Kentucky argued that disclosure of this sensitive information would injure Duke Kentucky and its competitive position and business interests. Duke Kentucky further argued that the sensitive information includes fuel pricing which if disclosed would put Duke Kentucky at a commercial disadvantage as it negotiates contracts with various suppliers and vendors and could potentially harm Duke Kentucky's competitive position in the marketplace, to the detriment of Duke Kentucky and its customers.<sup>1</sup>

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<sup>1</sup> Petition of Duke Energy Kentucky, Inc. for Confidential Treatment of Information Contained in its Responses to Commission Staff's Second Set of Data Requests Issued December 6, 2021 (filed Dec. 13, 2021).

Having considered the petition and the material at issue, the Commission finds that the aforementioned fuel price and fuel costs, including costs associated with labor are 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).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's December 13, 2021 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).
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.

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PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner

ATTEST:

   
\_\_\_\_\_  
Executive Director

ENTERED  
APR 4 2025  
KENTUCKY PUBLIC SERVICE COMMISSION <sup>jdc</sup>

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