

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR APPROVAL OF AN)	CASE NO.
ECONOMIC DEVELOPMENT SPECIAL)	2026-00012
CONTRACT)	

ORDER

On January 30, 2026, 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 certain information in Exhibit A and Exhibit D attached to its Application in this proceeding.

Duke Kentucky stated that the portions of Exhibit A for which it sought confidential treatment included “customer specific account and load information, including the amount of and pricing for services”¹ to a potential Duke Kentucky customer; as well as disclosed “negotiated third party supply information.”² Likewise, Duke Kentucky stated that Exhibit D, the marginal cost of service study attached to its application, included “projected bills that contain customer specific account information, projected load information, and operating characteristics for the next six years.”³ Additionally, Duke Kentucky stated that

¹ Duke Kentucky’s Petition for Confidentiality (filed Jan. 30, 2026) at 2.

² Duke Kentucky’s Petition for Confidentiality (filed Jan. 30, 2026) at 2.

³ Duke Kentucky’s Petition for Confidentiality (filed Jan. 30, 2026) at 2.

Exhibit D included “proprietary modeling forecasts and the Company’s assumptions and modeling of forecasted hourly locational marginal pricing for the next several years.”⁴

KRS 61.878(1)(c), on which Duke Kentucky relies to support its petition, exempts from public disclosure:

1. Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.
2. Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:
 - a. In conjunction with an application for or the administration of a loan or grant.
 - b. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154.
 - c. In conjunction with the regulation of commercial enterprises, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or
 - d. For the grant or review of a license to do business.

According to Duke Kentucky, the nature of this information would, as it relates to its customer information, give that customer’s competitors a distinct advantage because it “details how the customer operates and uses electricity.”⁵ In addition to harming its customers, Duke Kentucky also argued that disclosing the information would give its

⁴ Duke Kentucky’s Petition for Confidentiality (filed Jan. 30, 2026) at 2.

⁵ Duke Kentucky’s Petition for Confidentiality (filed Jan. 30, 2026) at 2.

competitors and potential vendors “an advantage in competing for business or negotiating contracts.”⁶

Having considered the petition and the material at issue, the Commission finds that specific customer account and load information in Exhibit A and the marginal cost study labeled as Exhibit D, which includes proprietary modeling forecasts and assumptions regarding future market prices in PJM, were confidentially disclosed to the Commission, would unfairly disadvantage Duke Kentucky and its customers if disclosed, and are generally recognized as confidential or proprietary and therefore meet 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 January 30, 2026 petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed on 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.

⁶ Duke Kentucky’s Petition for Confidentiality (filed Jan. 30, 2026) at 3.

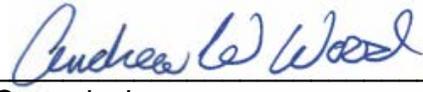
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Duke Kentucky shall have 20 days from receipt of written notice of the request to demonstrate 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.

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



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