

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

The Application of Duke Energy Kentucky, )  
Inc., for a Certificate of Public Convenience )  
and Necessity Authorizing the Phase One ) Case No. 2022-00084  
Replacement of the AM07 Pipeline )

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**PETITION OF DUKE ENERGY KENTUCKY, INC.  
FOR CONFIDENTIAL TREATMENT OF INFORMATION  
CONTAINED IN ITS RESPONSES TO COMMISSION STAFF'S SECOND  
REQUEST FOR INFORMATION ISSUED ON JUNE 23, 2022**

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Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), pursuant to 807 KAR 5:001, Section 13, respectfully requests the Commission to classify and protect certain information provided by Duke Energy Kentucky in its responses to Data Request No. 1, as requested by Commission Staff (Staff) in this case on June 23, 2022. The information that Staff seeks through discovery and for which Duke Energy Kentucky now seeks confidential treatment (Confidential Information), is contained in the Confidential Attachment in response to Data Request No. 1 depicts confidential pricing information. The public release of this information would limit the Company's ability to negotiate pricing with potential vendors, which will ultimately be borne by customers.

In support of this Petition, Duke Energy Kentucky states:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of that

party. Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. Duke Energy Kentucky requests confidential treatment of the Confidential Attachment in response to Data Request No. 1. The Confidential Attachment includes the Company's estimated and detailed costs of construction for the Phase One project. The cost estimates are based upon Duke Energy Kentucky's analysis based upon costs for prior projects. Duke Energy Kentucky intends to issue competitive solicit bids for the construction of this project and if potential vendors know what the Company anticipates the costs to be for various in terms, the Company would be placed at a competitive disadvantage as it seeks to negotiate better pricing. If potential vendors have access to the Company's anticipated costs, they would be less likely to negotiate with the Company, ultimately harming customers.

3. The information for which Duke Energy Kentucky is seeking confidential treatment was developed internally by Duke Energy Corporation and Duke Energy Kentucky personnel, is not on file publicly with any agency, and is not available from any commercial or other source outside Duke Energy Kentucky. The aforementioned information is distributed within Duke Energy Kentucky only to those employees who must have access for business reasons and is generally recognized as confidential and proprietary in the gas industry.

4. Duke Energy Kentucky does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, the Attorney General or other intervenors with a legitimate interest in reviewing the same for the purpose of participating in this case.

5. This information was, and remains, integral to Duke Energy Kentucky's effective execution of business decisions. And such information is generally regarded as confidential or proprietary. Indeed, as the Kentucky Supreme Court has found, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization Authority*, Ky., 904 S.W.2d 766, 768 (Ky. 1995).

6. In accordance with the provisions of 807 KAR 5:001, Section 13(3), the Company is filing one copy of the Confidential Information separately under seal, and one copy without the confidential information included.

7. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests of the Company or its customers if publicly disclosed.

8. To the extent the Confidential information becomes generally available to the public, whether through filings required by other agencies or otherwise, Duke Energy Kentucky will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10)(a).

WHEREFORE, Duke Energy Kentucky, Inc. respectfully requests that the Commission classify and protect as confidential the specific information described herein.

Respectfully submitted,

/s/Rocco O. D'Ascenzo  
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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing was transmitted to the Commission on July 8, 2022; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

John G. Horne, II  
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/s/Rocco O. D'Ascenzo  
Rocco O. D'Ascenzo