

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

In The Matter of:

The Electronic Application of Duke Energy )  
Kentucky, Inc., for: 1) An Adjustment of the )  
Electric Rates; 2) Approval of New Tariffs; ) Case No. 2022-00372  
3) Approval of Accounting Practices to )  
Establish Regulatory Assets and Liabilities; )  
and 4) All Other Required Approvals and )  
Relief. )

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**PETITION FOR CONFIDENTIAL TREATMENT OF DUKE ENERGY KENTUCKY,  
INC. FOR CERTAIN RESPONSES TO SIERRA CLUB, ATTORNEY GENERAL, AND  
COMMISSION STAFF’S SUPPLEMENTAL REQUESTS FOR INFORMATION**

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Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other law, and respectfully requests the Commission to classify and protect certain information provided by the Company in its Responses to Sierra Club’s (Sierra Club) Second Set of Requests for Information issued on February 17, 2023; Attorney General’s (AG) Second Request for Information issued on February 16, 2023; and Commission Staff’s (Staff) Third Request for Information issued on February 17, 2023; respectfully stating as follows:

1. On November 1, 2022, Duke Energy Kentucky filed a Notice of Intent to File an Application seeking adjustment of its electric rates and other approvals.
2. On December 1, 2022, Duke Energy Kentucky filed an Application seeking an adjustment of its electric rates and other approvals.
3. On February 16, 2023, AG issued its Second Request for Information. On February 17, 2023, Sierra Club issued its Second Set of Requests for Information, The Kroger Co. issued its

Second Set of Data Requests, Commission Staff issued its Third Request for Information, and the Kentucky Broadband and Cable Association issued its Supplemental Requests for Information to Duke Energy Kentucky.

4. In response to Sierra Club's Second Set of Requests for Information, AG's Second Request for Information, and Commission Staff's Third Request for Information, Duke Energy Kentucky is providing certain information for which it requests confidential treatment.

5. The information for which Duke Energy Kentucky seeks confidential treatment is contained in its Responses to Sierra Club Requests 2.1, 2.2, 2.5, and 2.12;<sup>1</sup> AG Requests 13, 34, 37, 46, 52, 56, 58, and 60; and Commission Staff Requests 1 and 9, which is referred to herein as the "Confidential Information" and, broadly speaking, includes detailed information pertaining to operations and maintenance (O&M) and capital expenses incurred by the Company, revenue, financial projections, vendor pricing and cost, Critical Energy Infrastructure Information, business strategies and plans, and other information.

6. Request No. 2.1 of Sierra Club's Second Set of Requests for Information states as follows:

Please refer to CONFIDENTIAL SIERRA-DR-01-015 regarding forecasted energy revenues for East Bend.

- a. Please confirm that these values apply to the base gas price scenario. If not, please state which gas price scenario they correspond to.
- b. Please provide the energy revenue forecast for the missing two scenarios (high gas price, low gas prices, or base gas prices) that was not included in the SIERRA-DR-01-015.
- c. Please provide the energy revenue forecast for CO<sub>2</sub> Regulation scenario (high gas price, low gas prices, and base gas prices).

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<sup>1</sup> In its second set of discovery requests, the Sierra Club continued labeling its requests as 1.X, indicating they were still part of the first set. To avoid confusion with the Sierra Club's initial requests propounded upon the Company, Duke Energy Kentucky has labeled its responses as 2.X, indicating they are part of the second set.

7. In its response to Request No. 2.1, Duke Energy Kentucky is providing SIERRA-DR-02-001 Confidential Attachment containing proprietary and detailed information relating to the Company's forecasted energy revenues for East Bend. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's financial condition and forecasts. Gaining access to this information would be extremely valuable to the Company's competitors and vendors as it provides insight into the Company's forecasts and assumptions of future revenues in the competitive energy markets. If released, this information would put the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit the Company's ability to properly manage its costs.

8. Request No. 2.2 of Sierra Club's Second Set of Requests for Information states as follows:

Please refer to SIERRA-DR-01-008 CONF Attachment and to Table H.2 in SIERRA-DR-01-003 CONF Attachment, regarding East Bend forecasted capacity factors, variable O&M, fixed O&M and maintenance capital.

- a. Please confirm that these values apply to the base gas price scenario. If not, please state which gas price scenario they correspond to.
- b. Please explain why annual values in Table H.2 differ from the annual values contained in SIERRA-DR-01-008 CONF Attachment, specifically capacity factors, variable O&M, fixed O&M and maintenance capital.
- c. Please provide all values for East Bend in Table H.2 for the No Carbon Regulation scenario (high gas price, low gas price, and base gas price).

9. In its response to Request No. 2.2, Duke Energy Kentucky is providing SIERRA-DR-02-002 Confidential Attachments 1 through 7 containing proprietary and detailed information relating to the Company's modeling results for various scenarios of operation that span decades, that include, but are not limited to forecasted capacity factors, operating costs (compliance, O&M),

capital expenditures, and revenues. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's financial condition, operating conditions, and forecasts of markets. Gaining access to this information would be extremely valuable to the Company's competitors and vendors as it provides insight into the Company's forecasts of future revenues in the competitive energy markets. This information would also be extremely valuable to the Company's competitors and vendors. If released, this information would put the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit the Company's ability to properly manage its costs.

10. Request No. 2.5 of Sierra Club's Second Set of Requests for Information states as follows:

Please refer to Mr. McClay's direct testimony regarding Duke Energy's participation in the wholesale capacity markets.

- a. State whether Duke has performed any analysis over the past 5 years on the costs and benefits of remaining an FRR entity.
- b. State whether Duke Energy anticipates East Bend will participate in the BRA in the future.
  - i. If yes, provide the year when participation would begin;
  - ii. If yes, state whether Duke Energy expects East Bend to clear the market each year;
  - iii. And if yes, provide a forecast of PJM BRA clearing prices for the DEOK zone and for the years that East Bend would participate.
- c. Provide all bilateral firm capacity contracts that Duke Kentucky has with other parties.

11. In its response to Request No. 2.5, Duke Energy Kentucky is providing SIERRA-DR-02-005(c) Confidential Attachment containing proprietary and detailed information relating to the Company's bilateral firm capacity contracts. This attachment is confidential insofar as it contains proprietary capacity pricing information. Many of these contracts also include favorable pricing terms based upon Duke Energy Kentucky's ability to leverage its relationships with its

sister utilities. If this information is publicly released, it will place the Company at a disadvantage in future negotiations as potential vendors would have access to what the Company currently pays or expects to pay for such products. Moreover, vendors would be less willing to negotiate with the Company out of fear of their sensitive and competitive pricing being made publicly available.

12. Request No. 2.12 of Sierra Club's Second Set of Requests for Information states as follows:

Refer to the direct testimony of Bruce Sailors, page 10, lines 14-20 regarding the creation of a separate demand charge for distribution demand costs for rate DT.

- a. Does the Company maintain records of when (date and time) each substation reaches its maximum demand? If yes, for each of the last three years, please provide the following data in a working Excel file. If the data requested are not available, please provide data that most closely matches that requested.
  - i. The substation identifier (number or name),
  - ii. The date and time of each substation peak,
  - iii. The maximum demand in kVA,
  - iv. The seasonal ratings for the substation,
  - v. The number of customers served by that substation.
- b. Does the Company maintain records of when (date and time) each feeder reaches its maximum demand? If yes, for each of the last three years, please provide the following data in a working Excel file. If the data requested are not available, please provide data that most closely matches that requested.
  - i. The feeder identifier (number or name),
  - ii. The date and time of each feeder peak,
  - iii. The maximum demand in kVA,
  - iv. The seasonal ratings for the feeder,
  - v. The number of customers served by that feeder.

13. In its response to Request No. 2.12, Duke Energy Kentucky is providing SIERRA-DR-02-012 Confidential Attachment containing proprietary and detailed information relating to the Company's substations and feeders. This attachment is confidential as it concerns Critical Energy Infrastructure Information (CEII), which has been granted confidential treatment in the past. Duke Energy Kentucky takes all reasonable steps in order to protect CEII, including, but not

limited to, only sharing such information internally on a need-to-know basis. The reliability entities with access to such data, such as PJM Interconnection L.L.C. (PJM), also take appropriate precautions to protect such data. This information needs to be kept confidential in order to continue to provide delivery of safe and reliable electric service to Duke Energy Kentucky customers. Furthermore, the release of this information would provide a security risk for the Company and its customers and it is, therefore, broadly recognized as confidential under Kentucky law. *See* KRS 61.878(1)(m). Again, the Commission has previously agreed that such CEII is confidential.<sup>2</sup>

14. Request No. 13 of AG’s Second Request for Information states as follows:

Refer to Duke Kentucky’s response to the Attorney General’s First Request, Item 19(a). Duke Kentucky states that in the prior electric rate case the proposed retirement date for East Bend was 2041. But, Duke Kentucky asserts that the projected retirement date for East Bend was moved up to account for “the increasing pressures that coal units face such as increased environmental regulation and coal costs and delivery risks. The decision to retire East Bend 2 in 2035 has not been decisively made yet...”

- a. Explain in detail the increased environmental regulation.
- b. Explain in detail the coal costs issue.
- c. Explain in detail what is meant by delivery risks, and provide examples of the specific delivery risks.
- d. Explain in detail when the decision will be made concerning a definitive retirement date for East Bend 2.
- e. Explain in detail whether in lieu of retiring East Bend 2, Duke Kentucky has considered mothballing the facility in the future. If so, explain whether any cost projections of doing so have been performed, and if so, provide such projections. If not, explain why not.
- f. Provide copies of all studies/analyses that led Duke Kentucky to propose retiring East Bend 2 in 2035.

15. In its response to Request No. 13, Duke Energy Kentucky is providing AG-DR-02-013 Confidential Attachment containing proprietary and detailed information relating to the

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<sup>2</sup> *See, e.g., In the Matter of the Application of East Kentucky Power Cooperative, Inc. for Approval of the Acquisition of Existing Combustion Turbine Facilities from Bluegrass Generating Company, LLC at the Bluegrass Generating Station in LaGrange, Oldham County, Kentucky and for Approval of the Assumption of Certain Evidences of Indebtedness*, Order, Case No. 2015-00267 (Ky. P.S.C. Nov. 24, 2015).

Company's proprietary modeling and forecasting results looking decades into the future, including but not limited to, costs and capital expenditures, forecasts of reserves, market assumptions, and capacity needs. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's financial condition. Gaining access to this information would be extremely valuable to the Company's competitors and vendors. If released, this information would put the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit the Company's ability to properly manage its costs. Moreover, it would put the Company at a disadvantage vis-à-vis its competitors in the competitive markets as the Company seeks to sell its excess energy, the majority of such revenues inure to the benefit of customers as a credit.

16. Request No. 34 of AG's Second Request for Information states as follows:

Refer to Duke Kentucky's supplemental response to the Attorney General's First Request, Item 65.

- a. Provide a copy of Duke Kentucky's concept paper that was submitted to the Department of Energy.
- b. Provide a copy of the letter that Duke Kentucky received from the Department of Energy on February 2, 2023.
- c. Explain what funding opportunities/awards are available to a utility under the Grid Resilience and Innovation Partnerships ("GRIP") Program.

17. In its response to Request No. 34, Duke Energy Kentucky is providing AG-DR-02-034(a) Confidential Attachment containing the concept paper that was submitted to the Department of Energy. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's business strategies and plans that is otherwise unavailable. Gaining access to this information would be extremely valuable to the Company's competitors and vendors in the competitive energy markets. If released, this information would put the Company at a competitive disadvantage, impede full and fair

competition, and undermine its business prospects in Kentucky. Moreover, this information is treated as confidential by the Department of Energy, which has not yet granted approval of the concept itself. Releasing this information publicly could adversely impact the Company's ability to compete for the grants under the program, which would help fund the project if approved, thereby harming customers.

18. Request No. 37 of AG's Second Request for Information states as follows:

Refer to Duke Kentucky's response to the Attorney General's First Request, Item 85(a).

- a. Explain why the Woodsdale generating units were primarily operating on the back-up fuel oil system instead of natural gas during the major winter storm that impacted Duke Kentucky's region from approximately December 23, 2022 – December 26, 2022.
- b. Explain why Duke Kentucky expects charges in addition to credits from PJM for the above-referenced time period.
- c. Duke Kentucky asserts that since the Company is an FRR capacity construct member and selected the physical option for this capacity planning year, Duke Kentucky could have a small, minimal net impact to next year's FRR capacity plan. Explain what type of net impact Duke Kentucky could have to next year's FRR capacity plan and why the net impact will occur.

19. In its response to Request No. 37, Duke Energy Kentucky is providing proprietary and detailed information relating to the Company's costs, business strategies and plans, and load forecasting and capacity planning for future periods. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's financial condition, forecasts, and business strategies and plans that is otherwise unavailable. Gaining access to this information would be extremely valuable to the Company's competitors and vendors in the competitive energy markets. If released, this information would put the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit the Company's ability to properly manage its costs.



20. Request No. 46 of AG's Second Request for Information states as follows:

Refer to the Confidential Attachment to Duke Kentucky's response to the Attorney General's First Request, Item 163, which provides the forecast details for the projected September 2023 long-term debt issuance with a cost of 5.990%. Provide an updated calculation of the projected issuance cost percentage based on current forecasted market conditions. In addition, provide the calculation and support in electronic format with all formulas in place.

21. In its response to Request No. 46, Duke Energy Kentucky is providing AG-DR-02-046 Confidential Attachment containing proprietary and detailed information relating to the Company's long-term debt and information obtained from subscription-based data services. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's financial condition. Gaining access to this information would be extremely valuable to the Company's competitors and vendors. Moreover, the data that is obtained through paid subscriptions are proprietary to those entities that create the data and releasing that information would put the Company in potential violation of the terms of those subscription services, which may limit the Company's access to the data in the future. If released, this information would put the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit the Company's ability to properly manage its costs and access necessary data.

22. Request No. 52 of AG's Second Request for Information states as follows:

For each major debt rating agency, Fitch, Moody's, and S&P's, indicate whether the debt borrowed by CRC is attributed to the utility that sold its receivables. If so, describe how each rating agency attributes all or some of the CRC debt to the utility, including the methodology and/or formula that each agency uses, if known. If not known, then so state. Provide all support relied on for the response. If there is no written documentation, then so state, and further describe the basis for the response.

23. In its response to Request No. 52, Duke Energy Kentucky is providing AG-DR-02-052 Confidential Attachments 1 and 2 containing information regarding Duke Energy Kentucky from debt rating agencies. This information is derived from subscription-based data services and are subject to confidentiality conditions for access and use. The data that is obtained through paid subscriptions are proprietary to those entities that create the data and releasing that information would put the Company in potential violation of the terms of those subscription services, which may limit the Company's access to the data in the future. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's financial condition. Gaining access to this information would be extremely valuable to the Company's competitors and vendors. If released, this information would put the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit the Company's ability to properly manage its costs.

24. Request No. 56 of AG's Second Request for Information states as follows:

Refer to the Direct Testimony of Lisa Steinkuhl ("Steinkuhl Testimony"), at 18 – 19, wherein she states that the Company seeks approximately \$7.177 million in annual planned outage expense and \$1.610 million in non-FAC forced outage expense in the base revenue requirement in this proceeding, which are the same amounts that were allowed in the prior base rate case proceeding.

- a. Confirm that these are the amounts reflected in the test year per books expense.
- b. Provide the Company's calculation of the per books planned outage and forced outage regulatory assets at month end from December 2022 through December 2024, including the monthly authorized expense deferrals that reduce the regulatory assets and the monthly charges for actual costs that increase the regulatory assets. Provide all support for the Company's calculations of these amounts and provide a description of all planned outages by unit and by month and the assumptions regarding forced outages by unit and by month.
- c. Provide the schedule/workpaper in Excel live format with all formulas intact used to calculate the \$7.177 million and

\$1.610 million amounts reflected in the prior base rate case proceeding.

25. In its response to Request No. 56, Duke Energy Kentucky is providing AG-DR-02-056 Confidential Attachments 1 and 3 and other proprietary and detailed information relating to proprietary pricing information regarding what Duke Energy Kentucky pays for certain products. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's the prices that the Company has negotiated for certain products. Gaining access to this information would be extremely valuable to the Company's competitors and vendors. If released, this information would put the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit the Company's ability to properly manage its costs.

26. Request No. 58 of AG's Second Request for Information states as follows:

Refer to Duke Kentucky's response to the Attorney General's First Request, Item 154(a).

- a. Provide a description of each of the variables listed for the residential class.
- b. Provide the data used for each of the variables listed for the residential class in live Excel format with the source(s) identified.

27. In its response to Request No. 58, Duke Energy Kentucky is providing CONFIDENTIAL AG-DR-02-058 containing proprietary and detailed information relating to the Company's forecasted customer usage and sales. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's financial condition and forecasts. Gaining access to this information would be extremely valuable to the Company's competitors and vendors. If released, this information would put the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit the Company's ability to properly manage its costs.

28. Request No. 60 of AG's Second Request for Information states as follows:

Refer to Duke Kentucky's response to the Attorney General's First Request, Item 126. The response provides only the values resulting from the actuarial analyses and the assumptions, no data and no calculations. Provide the entirety of the analyses and all related correspondence from the Company's actuaries, including, but not limited to, the data and calculations of each component of the pension and Other Post-Employment Benefits ("OPEB") costs and the related expense in Excel live format with all formulas intact, e.g., the fair value of the trust fund assets and the return on those assets, the relevant liabilities, and the interest on those liabilities, etc.

29. In its response to Request No. 60, Duke Energy Kentucky is providing AG-DR-02-060 Confidential Attachment containing proprietary and detailed information relating to the test year pension cost and expense and OPEB cost and expense included in the test year. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into Duke Energy, Duke Energy Ohio, and the Company's financial condition. Gaining access to this information would be extremely valuable to Duke Energy, Duke Energy Ohio, and the Company's competitors and vendors. If released, this information would put Duke Energy, Duke Energy Ohio, and the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit Duke Energy, Duke Energy Ohio, and the Company's ability to properly manage its costs.

30. Request No. 1 of Commission Staff's Third Request for Information states as follows:

Refer to Duke Kentucky's current tariff on file with the Commission, Sheet No. 74, Rider AMO, Advanced Meter Opt-Out (AMO) – Residential.

- a. Provide the number of customers currently participating in Rider AMO.
- b. Provide detailed cost support for the \$100 one-time fee and the \$25 recurring monthly fee.
- c. If labor is included in the cost support above, explain whether Duke Kentucky used contract labor, Duke Kentucky

employees, or a combination of both, to perform the services.

- d. For the last five calendar years, provide the amount of Rider AMO fees billed by month.
- e. Explain whether the expenses and revenues from Rider AMO were included in Duke Kentucky's calculation of its revenue requirement in this proceeding. If so, identify how they were included in the revenue requirement calculation.

31. In its response to Request No. 1, Duke Energy Kentucky is providing STAFF-DR-03-001 Confidential Attachment 1 containing proprietary and detailed information relating to the Company's costs. On December 22, 2016, Duke Energy Kentucky previously requested confidential treatment of this information in Case No. 2016-00152 for 20 years. On January 2, 2019, the Commission granted confidential treatment.<sup>3</sup> Therefore, this information remains confidential and should continue to be treated as such.

32. Request No. 9 of Commission Staff's Third Request for Information states as follows:

Refer to Schedule L-1, pages 161 and 163.

- a. Confirm that there are no changes being proposed on these tariff pages.
- b. Provide the detailed calculation of the capacity purchase rates.

33. In its response to Request No. 9, Duke Energy Kentucky is providing STAFF-DR-03-009(b) Confidential Attachment containing proprietary and detailed information relating to the Company's calculations of capacity purchase rates that includes vendor pricing and cost information. This information is self-evidently confidential and proprietary in nature as it would provide competitors with tremendous insight into the Company's costs, business strategies,

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<sup>3</sup> *In the Matter of the Application of Duke Energy Kentucky, Inc. For (1) a Certificate of Public Convenience and Necessity Authorizing the Construction of an Advanced Metering Infrastructure; (2) Request for Accounting Treatment; and (3) All Other Necessary Waivers, Approvals, and Relief*, Order, Case No. 2016-00152 (Ky. P.S.C. Jan. 2, 2019).

business plans, and vendor pricing. Gaining access to this information would be extremely valuable to the Company's competitors and vendors in the competitive energy markets. If released, this information would put the Company at a competitive disadvantage in future negotiations with potential vendors and potentially inhibit the Company's ability to properly manage its costs.

34. Contemporaneous with the filing of this Petition, Duke Energy Kentucky is tendering documentation responsive to Sierra Club Requests 2.1, 2.2, 2.5, and 2.12; AG Requests 13, 34, 37, 46, 52, 56, 58, and 60; and Commission Staff Requests 1 and 9. The Confidential Information provided is proprietary information that is retained by Duke Energy Kentucky on a "need-to-know" basis. The Confidential Information is distributed within Duke Energy Kentucky only to the Chief Executive Officer, Senior Management, and the Board, who must have access for business reasons, and it is generally recognized as confidential and proprietary in the energy industry and in business generally. Specifically, the Confidential Information contains detailed information pertaining to O&M and capital expenses incurred by the Company, revenue, financial projections, vendor pricing and cost, CEII, and business strategies and plans.

35. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure. *See* KRS 61.878(1)(a); KRS 61.878(1)(c)(1); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky. App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The public disclosure of the information that Duke Energy Kentucky seeks protection would damage Duke Energy Kentucky's competitive position and business interests. If the Commission grants public access to the information, it would provide competitors and vendors with a competitive advantage that would prevent the Company from having the ability to manage its costs. It would also allow such competitors and vendors to make decisions regarding pricing they otherwise would not have done,

thereby making Duke Energy Kentucky and, in turn, its customers pay more than they otherwise would absent such information. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment. Indeed, the Commission has already recognized the confidential nature of the Confidential Information and has afforded confidential treatment to similar information in prior proceedings.<sup>4</sup>

36. Furthermore, some of the information for which Duke Energy Kentucky is seeking confidential treatment was either developed internally, or acquired on a proprietary basis, by Duke Energy Corporation and Duke Energy Kentucky personnel, is not on file publicly with any public agency, and is not publicly available from any commercial or other source. The aforementioned information provides detailed explanations of business and financial operations for Duke Energy Kentucky and Duke Energy Corporation's family of utility businesses and is distributed only to those employees who must have access for business reasons and is generally recognized as confidential and proprietary in the utility industry. Disclosure of this information will place the company and its parent at a disadvantage in competing for business, financing, and in negotiations with future vendors and service providers. This could result in the Company not achieving as favorable pricing as it otherwise could, which in turn could result in increased costs to customers.

37. Duke Energy Kentucky does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable protective agreement entered into with any intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case. However, until such time as it is known who is authorized to intervene in this case, Duke Energy Kentucky reserves the right to object to sharing the Confidential

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<sup>4</sup> *Id.*; see also *In the Matter of the Application of Duke Energy Kentucky, Inc. For (1) a Certificate of Public Convenience and Necessity Authorizing the Construction of an Advanced Metering Infrastructure; (2) Request for Accounting Treatment; and (3) All Other Necessary Waivers, Approvals, and Relief*, Order, Case No. 2016-00152 (Ky. P.S.C. Jan. 2, 2019).

Information with any intervenor who may be able to use the Confidential Information for an improper purpose.

38. In accordance with the provisions of 807 KAR 5:001, Section 13(2)(e), the Company is filing one copy of the Confidential Information separately under seal, and the appropriate number of copies with the Confidential Information redacted.

39. Duke Energy Kentucky respectfully requests that the Confidential Information, excluding the CEII which the Company requests be withheld indefinitely, be withheld from public disclosure for a period of 20 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 if publicly disclosed.

40. 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,

DUKE ENERGY KENTUCKY, INC.

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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 in paper medium; that the electronic filing was transmitted to the Commission on March 2, 2023; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that submitting the original filing to the Commission in paper medium is no longer required as it has been granted a permanent deviation.<sup>5</sup>

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<sup>5</sup>*In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Order, Case No. 2020-00085 (Ky. P.S.C. July 22, 2021).