

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DUKE ENERGY KENTUCKY, INC.’S)	CASE NO.
INTEGRATED RESOURCE PLAN)	2024-00197

**PETITION FOR CONFIDENTIAL TREATMENT OF DUKE ENERGY
KENTUCKY, INC. FOR INFORMATION CONTAINED IN ITS REPLY
COMMENTS**

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 contained in Duke Energy Kentucky’s Reply Comments. The information that Duke Energy Kentucky seeks confidential treatment on generally includes information regarding the economics of the Company’s coal-fired generating unit in the competitive wholesale energy markets, including unit performance, costs and revenues by year, .

The public disclosure of the information described would place Duke Energy Kentucky at a commercial disadvantage as it competes in these markets and if competitors become aware of the unit’s operating characteristics, including fixed and variable costs, could potentially harm Duke Energy Kentucky’s competitive position in the marketplace, to the detriment of Duke Energy Kentucky and its 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), in relevant part, protects from public disclosure confidential information “that is 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.”¹ 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. As more fully described below, the information depicted in the information requested be under seal, contains sensitive and proprietary data regarding, among other things, the economics of the Company’s generating assets in the competitive wholesale electric markets, including production costs, fixed and variable O&M, and revenues by year, that Duke Energy Kentucky wishes to protect from public disclosure. In the interest of balancing the need to protect this data with that of transparency, the Company is redacting only those portions of this information that is sensitive and confidential in nature. This information was developed internally by Duke Energy Kentucky personnel, is not on file with any public 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. If publicly disclosed, this information setting forth Duke Energy Kentucky’s costs of operation and historic revenues could give competitors an advantage in competing against the Company or suppliers who may bid on potential commodity products who would know the Company’s costs structure, thereby making it difficult for the Company to negotiate better pricing. Public disclosure would give Duke Energy Kentucky’s contractors, vendors and competitor’s access to Duke Energy Kentucky’s cost and operational parameters, as well as insight into its contracting practices.

¹ KRS 61.878(1)(c)(1).

Such access would impair Duke Energy Kentucky's ability to negotiate with prospective contractors and vendors and could harm Duke Energy Kentucky's competitive position in the power market, affecting the costs to serve customers and the potential revenues that customers could receive through the wholesale markets in the future.

3. 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).

4. 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 eleven copies without the confidential information included.

5. 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.

6. 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 the Commission classify and protect as confidential the specific information described herein.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

/s/Rocco 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 in paper medium; that the electronic filing was transmitted to the Commission on November 27, 2024; 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.²

/s/Rocco D'Ascenzo

Rocco D'Ascenzo

²*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).*