

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; 3)) Case No. 2024-00354
Approval of Accounting Practices to Establish)
Regulatory Assets and Liabilities; and 4) All)
Other Required Approvals and Relief)

PETITION OF DUKE ENERGY KENTUCKY, INC.
FOR CONFIDENTIAL TREATMENT OF INFORMATION
CONTAINED IN ITS APPLICATION REGARDING AN ADJUSTMENT OF
ELECTRIC RATES

Duke Energy Kentucky, Inc. (Duke Energy Kentucky or the Company), by counsel, pursuant to 807 KAR 5:001, Section 13(2), KRS 61.878(1)(c), and other applicable law, respectfully moves the Public Service Commission of Kentucky (Commission) for an Order granting confidential treatment to certain information provided by the Company in its Application for an adjustment of its electric rates. Specifically, Duke Energy Kentucky seeks confidential treatment of information referred to herein as the “Confidential Information,” which, broadly speaking, includes detailed operations and maintenance (O&M) and capital expenses incurred by the Company on a monthly and yearly basis, budget guidelines and assumptions, labor inflation rates and non-labor loading rates, information regarding employee benefits and incentives and workforce planning, proprietary customer satisfaction evaluation results compiled for Duke Energy Kentucky, information related to union and non-union employees’ incentives, and vendor pricing and cost information.

In particular, Duke Energy Kentucky seeks confidential treatment of the following:

- (1) the highlighted portions of the Confidential Attachment to Filing Requirement 807 KAR 5:001, Section 16(7)(c), 2024 Budget Guidelines and Assumptions;
- (2) the Confidential Attachments to Filing Requirement 807 KAR 5:001, Section 16(7)(o), Monthly Electric Operations Financial Results Summaries and Monthly Electric Operations Regulatory O&M and Capital Reports;
- (3) the Confidential Attachments to the Direct Testimony of Amy B. Spiller, ABS-1, CX Monitor Summary 2018-2024 and ABS-2, 2023 Fastrack Report Summary;
- (4) the Confidential Attachments to the Direct Testimony of Shannon A. Caldwell, SAC-3(a), 2024 Short-Term Incentive Plan for Union Employee Incentive Plan, SAC-3(b), 2024 Short-Term Incentive Scorecard, and SAC-3(c), 2024 Executive Long-Term Incentive Plan Brochure; and
- (5) the highlighted portions of the Confidential Attachments to the Direct Testimony of Bruce L. Sailors, BLS-3, new Rate LED charge calculations and BLS-4, reconnection charge calculations.

I. MOTION FOR CONFIDENTIAL TREATMENT

a. Statutory Standard

Administrative Regulation 807 KAR 5:110, Section 5 sets forth the procedure by which certain information filed with the Commission shall be treated as confidential. Specifically, the party seeking confidential treatment must establish “each basis upon which the petitioner believes the material should be classified as confidential” in accordance with the Kentucky Open Records Act, KRS 61.878. See 807 KAR 5:110 Section 5(2)(a)(1).

The Kentucky Open Records Act exempts certain records from the requirement of public inspection. *See* KRS 61.878. In particular, KRS 61.878(1)(c)(1) excludes from the Open Records

Act:

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[.]

This exception “is aimed at protecting records of private entities which, by virtue of involvement in public affairs, must disclose confidential or proprietary records to a public agency, if disclosure of those records would place the private entities at a competitive disadvantage.” Ky. OAG 97-ORD-66 at 10 (Apr. 17, 1997).

KRS 61.878(1)(c)(1) requires the Commission to consider three criteria in determining confidentiality: (1) whether the record is confidentially disclosed to an agency or required by an agency to be disclosed to it; (2) whether the record is generally recognized as confidential or proprietary; and (3) whether the record, if openly disclosed, would present an unfair commercial advantage to competitors of the entity that disclosed the records. The information for which Duke Energy Kentucky is seeking confidential treatment, as discussed further below, satisfies each of these three statutory criteria.

b. Requests and Responses for Which Confidential Treatment is Sought

i. The Highlighted Portions of Confidential Attachment to Filing

Requirement 807 KAR 5:001, Section 16(7)(c), 2024 Budget

Guidelines and Assumptions

The Confidential Attachment in Filing Requirement 807 KAR 5:001, Section 16(7)(c), is Duke Energy Kentucky’s 2024 Budget Guidelines and Assumptions, which includes labor inflation rates and non-labor loading rates, information regarding employee benefits and incentives, and workforce planning. The Company requests that the highlighted portions of this Attachment be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). The highlighted

information in this Attachment includes labor inflation rates and non-labor loading rates, information regarding employee benefits and incentives, and workforce planning, which are not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The highlighted information in this attachment satisfies the second element of the standard, as pricing and labor cost information, including union pay increase percentages, are generally recognized as confidential and proprietary. In Case No. 2022-00372, the Commission concluded the Company had not provided specific grounds for why the entire Budget Guidelines and Assumptions document should be granted confidential treatment. As a result, consistent with that decision, the Company is only requesting confidential treatment of specified inflation information. The highlighted information contained in the confidential Attachment satisfies the third element because disclosure of the highlighted budgeting and assumptions could give competitors an advantage. The highlighted information is sensitive and proprietary commercial information, the disclosure of which could be used by Duke Energy Kentucky's competitors to gain a competitive advantage. Disclosure of labor inflation assumption information, non-labor loading rates, information regarding employee benefits and incentives, and workforce planning detail could result in increased costs and a loss of negotiating ability for Duke Energy Kentucky and increases the risk of a higher cost of service resulting from greater employee compensation demands and higher costs to recruit and retain skilled employees and managers.

**ii. Confidential Attachments to Filing Requirement 807 KAR 5:001,
Section 16(7)(o), Financial Reporting Summaries and Regulatory
O&M and Capital Reports**

With regard to the Confidential Attachments provided in Filing Requirement 807 KAR 5:001, Section 16(7)(o), Duke Energy Kentucky is providing its Financial Reporting Summaries

(FRS) that include monthly managerial reports. These FRS reports contain narrative explanations of variances for the Company and show the financial condition of the Company on a monthly basis. The Attachments also include monthly Regulatory O&M and Capital Reports (ROCR) that contain highly detailed variance descriptions and explanations for O&M and capital expenditures, respectively. The Commission afforded similar information confidential treatment in Case No. 2021-00190 by Order dated December 13, 2021¹ and in Case No. 2022-00372 by Order dated December 7, 2023.²

The Company requests that these Attachments be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). The information contained in the confidential Attachments is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. These Attachments satisfy the second element of the standard, as information relating to the Company's detailed yearly capital construction expenditures, monthly capital and O&M expenses, and monthly financial positions and drivers has consistently been recognized as confidential and proprietary. As noted above, the Commission has previously granted confidential treatment for FRS and ROCR reports based on the proprietary nature of the information and the fact that these reports contain the assets, revenues, and expenses, on a monthly basis, for the Company that could be used to adversely affect the Company. The Attachments also satisfy the third element because any of these documents would provide competitors with tremendous insight

¹ *In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Natural Gas Rates; 2) Approval of New Tariffs; and 3) All Other Required Approvals, Waivers, and Relief*, Order, Case No. 2021-00190 (Ky. P.S.C. December 13, 2021).

² *In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and (4) All Other Required Approvals, Waivers, and Relief*, Order, Case No. 2022-00372 (Ky. P.S.C. December 7, 2023); Order (Ky. P.S.C. October 24, 2023) (“FRS monthly managerial reports and its monthly Regulatory O&M and Capital Reports, which related to FRS monthly manager reports, should be granted confidential treatment in accordance with prior precedent. FRS contains the assets, revenues, and expenses, on a monthly basis, for the company that could be used to adversely affect the company by competitors and investors.”).

into the Company's financial condition, capital and O&M philosophies, policies, practices, and expenses. 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.

iii. Direct Testimony of Amy Spiller, Attachment ABS-1, CX Monitor

Summary

Confidential Attachment ABS-1 is a copy of the Duke Energy Kentucky Electric Residential CX Monitor customer sentiment results from 2018 through 2024 Midpoint (June 2024 YTD). As discussed in the Direct Testimony of Amy Spiller, the Company developed the CX Monitor, a census-based survey that measures overall customer sentiment and the ongoing perceptions of the customer experience via online survey. Attachment ABS-1 provides a summary of customer satisfaction performance measures based on proprietary survey results during the period 2018-June 2024 on a net basis. This information was compiled for Duke Energy Kentucky and if competitors are able to use it, it may disadvantage Duke Energy Kentucky in the marketplace as they would have access to proprietary information about the Company's provision of service. The Company requests that this Attachment be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). This Attachment is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The Attachment satisfies the second element of the standard as the Attachment contains the results of proprietary studies that were developed by and for Duke Energy Kentucky. The highlighted information also satisfies the third element because disclosure would provide sensitive and proprietary information regarding Duke Energy Kentucky's inner workings and its customers' experiences with the Company to the

Company's competitors. It also would allow trade secret information developed and paid for by Duke Energy Kentucky to be available to Duke Energy Kentucky's competitors without them having to develop and purchase that information themselves. would place the Company at a disadvantage with competitors.

iv. Direct Testimony of Amy Spiller, Attachment ABS-3, Fastrack

Results

Confidential Attachment ABS-3 is a copy of the 2023 Duke Energy Kentucky Fastrack results by module. As discussed in the Direct Testimony of Amy Spiller, "Fastrack" is a proprietary, post-transaction customer satisfaction measurement tool used to measure customer satisfaction with recent interactions customers have had with the Company and was designed to complement the CX Monitor.

The Company requests that Attachment ABS-3 be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). This Attachment is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The Attachment satisfies the second element of the standard as the Attachment contains the results of proprietary studies that were developed by and for Duke Energy Kentucky. The Commission afforded similar information confidential treatment in Case No. 2022-00372 by Order dated December 7, 2023, finding that "The Direct Testimony of Amy Spiller, Attachment ABS 3, a 2021 FastTrack study, should be granted confidential treatment because it contains information compiled for Duke Energy Kentucky, that should competitors be able to use it, may disadvantage Duke Energy Kentucky in the marketplace."³ This Attachment also satisfies the third element because disclosure would

³ *In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and (4) All Other Required Approvals, Waivers, and Relief*, Order, Case No. 2022-00372 (Ky. P.S.C. December 7, 2023).

provide sensitive information regarding Duke Energy Kentucky's inner workings and its customers' experiences with the Company to the Company's competitors. It also would allow trade secret information developed and paid for by Duke Energy Kentucky to be available to Duke Energy Kentucky's competitors without them having to develop and purchase that information themselves. would place the Company at a disadvantage with competitors.

v. Direct Testimony of Shannon Caldwell, Attachment SAC-3(a), 2024

Short-Term Incentive Plan

Confidential Attachment SAC-3(a) to the Direct Testimony of Shannon Caldwell is Duke Energy 2024 Short-Term Incentive Plan and Union Employee Incentive Plan. This Attachment provide intimate details on the nature, function, scope, and operation of the Company's incentive compensation plans and strategies.

The Company requests that Attachment SAC-3(a) be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). This Attachment is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The Attachment satisfies the second element of the standard as such compensation information is generally recognized as confidential and proprietary. The Commission afforded similar information confidential treatment in Case No. 2021-00190 by Order dated December 13, 2021⁴ and in Case No. 2022-00372 by Order dated December 7, 2023.⁵ This Attachment also satisfies the third

⁴ *In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Natural Gas Rates; 2) Approval of New Tariffs; and 3) All Other Required Approvals, Waivers, and Relief*, Order, Case No. 2021-00190 (Ky. P.S.C. December 13, 2021).

⁵ *In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and (4) All Other Required Approvals, Waivers, and Relief*, Order, Case No. 2022-00372 (Ky. P.S.C. December 7, 2023); Order (Ky. P.S.C. October 24, 2023) ("The Direct Testimony of Jake Stewart, Attachment JJS 3(a) 2022 Short-Term Incentive Plan and Union Employee Incentive Plans should be granted confidential protection because it contains information related to union and non-union employees' incentives, which were similarly granted confidential treatment in the past.").

element because disclosure would provide competitors insight into the Duke Energy Kentucky's compensation philosophies, policies, and practices. This information would be extremely valuable to the Duke Energy Kentucky's competitors.

vi. Direct Testimony of Shannon Caldwell, Attachment SAC-3(b), 2024

Short-Term Incentive Scorecard

Confidential Attachment SAC-3(a) to the Direct Testimony of Shannon Caldwell is Duke Energy 2024 Short-Term Incentive Scorecard, which summarizes corporate short-term incentive metrics.

The Company requests that Attachment SAC-3(b) be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). This Attachment is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The Attachment satisfies the second element of the standard as such compensation information is generally recognized as confidential and proprietary. The Commission afforded similar information confidential treatment in Case No. 2022-00372 by Order dated December 7, 2023, concluding that “this information is proprietary to Duke Energy Kentucky and disclosure of such information would disadvantage Duke Energy Kentucky in the labor market should competitors use this information to lure employees away.”⁶ This Attachment also satisfies the third element because disclosure would provide competitors insight into the Duke Energy Kentucky's compensation philosophies, policies, and practices. Such information would be extremely valuable to the Duke Energy Kentucky's competitors.

⁶ *In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and (4) All Other Required Approvals, Waivers, and Relief*, Order, Case No. 2022-00372 (Ky. P.S.C. December 7, 2023); Order (Ky. P.S.C. October 24, 2023) (“The Direct Testimony of Jake Stewart, Attachment JJS 3(a) 2022 Short-Term Incentive Plan and Union Employee Incentive Plans should be granted confidential protection because it contains information related to union and non-union employees’ incentives, which were similarly granted confidential treatment in the past.”).

**vii. Direct Testimony of Shannon Caldwell, Attachment SAC-3(c), 2024
Executive Long-Term Incentive Plan**

Confidential Attachment SAC-3(c) to the Direct Testimony of Shannon Caldwell is Duke Energy's 2024 Executive Long-Term Incentive Plan. The 2024 Executive Long-Term Incentive Plan contains information related to compensation and financial incentive packages for some of Duke Energy's most senior leaders, information which competitors could use and exploit in trying to poach those leaders from Duke Energy.

The Company requests that Attachment SAC-3(b) be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). This Attachment is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. In Case No. 2019-00271, per Order dated May 4, 2020,⁷ the Commission determined that the 2019 Executive Long-Term Incentive Plan brochure included as Confidential Attachment RHM-5(c) was information that is not generally recognized as confidential, and therefore did not meet the criteria for confidential treatment because data contained in the 2019 Executive Long-Term Incentive Plan brochure was publicly disclosed in the annual 2019 Duke Energy Proxy Statement filed in 2020 before the Commission order was issued. Similarly, in Case No. 2022-00372, the Commission concluded the 2022 Executive Long-Term Incentive Plan was generally published at the annual shareholders' meeting in March 2023 and therefore, the Direct Testimony of Jake Stewart, Attachment JJS 3(c), did not meet the criteria for confidential treatment.

However, the targets contained in the 2024 Executive Long-Term Incentive Plan brochure included as Confidential Attachment SAC-3(a) to the Direct Testimony of Shannon Caldwell have

⁷ In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and 4) All Other Required Approvals and Relief, Order, Case No. 2019-00271 (Ky. P.S.C. May 4, 2020).

not been publicly disclosed. The three-year performance levels under the Long-Term Incentive Plan typically have been disclosed for the first time in the annual proxy statement that is filed approximately one year after the Long-Term Incentive Plan is approved. As a result, Duke Energy is planning to disclose the performance levels under the 2024 Long-Term Incentive Plan in March 2025 in connection with the 2025 proxy statement, which provides the appropriate background and context for the 2024 Long-Term Incentive Plan. Since these details will not be publicly available until March 2025, this Attachment should be afforded temporary confidential treatment.

The Attachment satisfies the second element of the standard as such compensation information is generally recognized as confidential and proprietary. The Commission afforded similar information confidential treatment in Case No. 2021-00190, per Order dated December 13, 2021.⁸ This Attachment also satisfies the third element because disclosure would provide competitors insight into the Duke Energy Kentucky's compensation philosophies, policies, and practices. Taken together, Confidential Attachment SAC-3(a), SAC-3(b), and SAC-3(c) represent the accumulation of decades of "best practices" in human capital management. Gaining access to this information would be extremely valuable to the Company's competitors who might desire to poach from Duke Energy Kentucky's talent pool. Moreover, it would impose a significant and material obstacle to the Company's efforts to continue to recruit and retain a skilled labor force.

**viii. Highlighted Portions of Direct Testimony of Bruce Sailers,
Attachment BLS-3, New Rate LED Charge Calculations**

Confidential Attachment BLS-3 to the Direct Testimony of Bruce Sailers is a detailed calculation of charges for new equipment proposed for inclusion in the Rate LED tariff. This

⁸ *In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Natural Gas Rates; 2) Approval of New Tariffs; and 3) All Other Required Approvals, Waivers, and Relief*, Order, Case No. 2021-00190 (Ky. P.S.C. December 13, 2021).

Attachment contains information from vendors related to the cost of equipment as well as labor rates related to the maintenance of that equipment. The Company requests that the highlighted information contained in this Attachment be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). The highlighted information is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The highlighted information satisfies the second element of the standard, as negotiated vendor pricing information is generally recognized as confidential and proprietary. The Commission afforded similar information confidential treatment in Case No. 2022-00372 by Order dated December 7, 2023.⁹ The highlighted information also satisfies the third element because gaining access to this information would be extremely valuable to both the Company's competitors and its vendors' competitors. Releasing this information would put the Company and its current vendors at a competitive disadvantage and potentially limit the Company and these vendors in negotiations with other business partners in the future. The information in these Attachments should therefore be treated as confidential and protected accordingly.

**ix. Highlighted Portions of Direct Testimony of Bruce Sailers,
Attachment BLS-4, Reconnection Charge Calculations**

Confidential Attachment BLS-4 to the Direct Testimony of Bruce Sailers provides workpapers for the calculation of the Company's proposed reconnection fees. As described in the Direct Testimony of Bruce Sailers, the remote reconnection fee calculation uses a fully loaded labor rate and estimated labor hours to complete a remote reconnection request. The estimated completion times are based on actual historical practice. The file is marked confidential since it

⁹ *In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and (4) All Other Required Approvals, Waivers, and Relief*, Order, Case No. 2022-00372 (Ky. P.S.C. December 7, 2023).

also contains vendor pricing. Similarly, non-remote reconnection charges are calculated but without including labor costs.

The Company requests that the highlighted information contained in this Attachment be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). The highlighted information is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The highlighted information satisfies the second element of the standard, as negotiated pricing information is generally recognized as confidential and proprietary. The Commission afforded similar information confidential treatment in Case No. 2022-00372 by Order dated December 7, 2023.¹⁰ The highlighted information also satisfies the third element because disclosure of this information would place the Company at a disadvantage with future negotiations, as counter-parties would have access to what the Company charges other parties, potentially resulting in less favorable contract terms for the Company. Vendors' pricing of certain equipment, services, and labor is confidential, as gaining access to this information would be extremely valuable to the Company's competitors and its vendors' competitors.

c. Request for Confidential Treatment

The Kentucky Open Records Act exempts from disclosure information that, due to its confidential and proprietary nature, would permit "an unfair commercial advantage to competitors of the entity that disclosed the records" if openly disclosed.¹¹ The Confidential Information was, and remains, integral to Duke Energy Kentucky's effective execution of business decisions. Indeed, as the Kentucky Supreme Court has found, "information concerning the inner workings of

¹⁰ *In the Matter of Electronic Application of Duke Energy Kentucky, Inc. for 1) An Adjustment of the Electric Rates; 2) Approval of New Tariffs; 3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; and (4) All Other Required Approvals, Waivers, and Relief*, Order, Case No. 2022-00372 (Ky. P.S.C. December 7, 2023).

¹¹ *See* KRS 61.878(1)(c)1.

a corporation is ‘generally accepted as confidential or proprietary.’”¹² 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 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 utility industry.

Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of twenty 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.

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).

Duke Energy Kentucky does not object to limited disclosure of the Confidential Information 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.

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.

WHEREFORE, Duke Energy Kentucky, Inc., respectfully requests that the Commission

¹² *Hoy v. Kentucky Industrial Revitalization Authority*, Ky., 907 S.W.2d 766, 768 (Ky. 1995).

classify and protect as confidential the specific information described herein.

Respectfully Submitted,

DUKE ENERGY KENTUCKY, INC.

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