

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))	CASE NO.
APPROVAL OF NEW TARIFFS; 3) APPROVAL)	2024-00354
OF ACCOUNTING PRACTICES TO ESTABLISH)	
REGULATORY ASSETS AND LIABILITIES;)	
AND 4) ALL OTHER REQUIRED APPROVALS)	
AND RELIEF.	

**PETITION FOR CONFIDENTIAL TREATMENT OF DUKE ENERGY
KENTUCKY, INC. FOR CERTAIN RESPONSES TO THE STAFF OF THE
PUBLIC SERVICE COMMISSION’S NOVEMBER 22, 2024
FIRST REQUEST FOR INFORMATION**

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 the identified portions of the following responses and attachments filed in its responses to Commission Staff’s (Staff) First Request for Information issued on November 22, 2024:

- (1) the highlighted portion in the confidential response to STAFF-DR-01-013;
- (2) the highlighted portions of STAFF-DR-01-014 Confidential Attachments 1 and 3;
- (3) STAFF-DR-01-018 Confidential Attachments 1 and 2;
- (4) STAFF-DR-01-030 Confidential Attachment;
- (5) STAFF-DR-01-039 Confidential Attachments 1 and 2;

- (6) the highlighted portions of STAFF-DR-01-040 Confidential Attachments 1 and 3;
- (7) the highlighted portions of STAFF-DR-01-041 Confidential Attachment;
- (8) STAFF-DR-01-049(c) Confidential Attachment; and
- (9) the highlighted portions of STAFF-DR-01-054 Confidential Attachments BLS-3 and BLS-4.

Specifically, Duke Energy Kentucky seeks confidential treatment of information referred to herein as the “Confidential Information,” which, broadly speaking, includes detailed information pertaining to the internal policies and procedures, personal compensation information of Duke Energy Kentucky employees, contracts with outside vendors, financial cost-benefit analyses of a new program and tariff proposed by the Company, and other information.

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 documents for which Duke Energy Kentucky is seeking confidential treatment, each of which is described in further detail below, satisfies each of these three statutory criteria.

b. Responses and Attachments for Which Confidential Treatment is Sought

i. Highlighted portion in the confidential response to STAFF-DR-01-013;

Staff Request No. 01-013 states as follows:

Describe Duke Kentucky’s lobbying activities and provide a schedule showing the name, salary, and job title of each individual whose job function involves lobbying on the local, state, or national level.

In response to Staff Request No. 01-013, Duke Energy Kentucky provides sensitive salary information for its employees, including their name, title, and salary information. The Company requests that the highlighted portions of the response, which is these

employees' total salary amounts, be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). The highlighted information is not publicly reported, and Duke Energy Kentucky is not required to do so, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The highlighted information in this response satisfies the second element of the standard, as neither employee engages in lobbying as their exclusive work responsibility and their entire compensation level should not be released publicly. Employee compensation and benefit information is considered confidential and personal in nature and, if disclosed, could violate Duke Energy Kentucky's employees' expectations related to the confidential nature of their compensation.¹ Further, the portions of their salary that are related to lobbying activities have been excluded from the Company's test year. Moreover, Ms. Loraine has supervisory responsibilities for jurisdictions other than Kentucky and her total salary is allocated accordingly. The Company has provided as part of its public response, the amounts of these employees' salary that are allocated towards lobbying. Finally, the Commission has previously granted confidential treatment of this information in prior proceedings.²

¹ See *Cape Pub 'ns, Inc. v. Univ. of Louisville Found., Inc.*, 260 S.W.3d 818, 822 (Ky. 2008) (compensation information is private in nature); *Zink v. Department of Workers' Claims, Labor Cabinet*, 902 S.W.2d 825, 828 (Ky. Ct. App. 1994) ("information such as . . . wage rate . . . [is] generally accepted by society as [a]detail in which an individual has at least some expectation of privacy."); see also KRS 68.878(1)(a).

² *In the Matter of the Electronic Application of Duke Energy Kentucky, Inc., for 1) An Adjustment of 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*, Case No. 2022-00372, Order (Feb. 10, 2023) ("The salaries not associated with lobbying provided in response to Staff's First Request, Item 13 are granted confidential protection pursuant to KRS 61.878(1)(a) because the Commission has long held that non-executive employees are entitled to confidential protection of their salary information. To allow disclosure would be an unwarranted invasion of personal privacy.").

ii. Highlighted portions in Confidential Attachments 1 and 3 to the response to STAFF-DR-01-014;

Staff Request No. 01-014 requests the following information:

Provide the following information concerning the costs for the preparation of this case:

- a. A detailed schedule of expenses incurred to date for the following categories:
 - (1) Accounting;
 - (2) Engineering;
 - (3) Legal;
 - (4) Consultants; and
 - (5) Other Expenses (Identify separately).
- b. For each category identified in Item 14a, the schedule should include the date of each transaction, check number or other document reference, the vendor, the hours worked, the rates per hour, amount, a description of the services performed, and the account number in which the expenditure was recorded. Provide copies of contracts or other documentation that support charges incurred in the preparation of this case. Identify any costs incurred for this case that occurred during the base period.
- c. An itemized estimate of the total cost to be incurred for this case. Expenses should be broken down into the same categories as identified in Item 14a, with an estimate of the hours to be worked and the rates per hour. Include a detailed explanation of how the estimate was determined, along with all supporting workpapers and calculations.
- d. Provide monthly updates of the actual costs incurred in conjunction with this rate case, reported in the manner requested in Items 14a and 14b, and a cumulative total of cost incurred to date for each category. Updates will be due when Duke Kentucky files its monthly financial statements with the Commission, until the close of the record.

In response to Staff Request No. 01-014, Duke Energy Kentucky provides sensitive hourly rate detail and cost estimates for its outside counsel in this proceeding. The Company requests that the highlighted portions of the attachments, which includes negotiated rates and budget proposals, be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1). The highlighted information is not publicly reported, and Duke Energy

Kentucky is not required to do so, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The highlighted information also satisfies the second element of the standard, as negotiated pricing and cost information is generally recognized as confidential and proprietary. The highlighted information also satisfies the third element because public disclosure would harm Duke Energy Kentucky's ability to negotiate for the most reasonable prices for legal services in the future, which would result in competitive harm to Duke Energy Kentucky and, in turn, financial harm to their customers who could pay more for utility service. The highlighted information should therefore be treated as confidential and protected accordingly.

iii. STAFF-DR-01-018 Confidential Attachments 1 and 2;

Staff Request No. 01-018 states as follows:

Provide a copy of federal and state income tax returns for the most recent tax year, including supporting schedules.

In response to Staff Request No. 01-018, Duke Energy Kentucky is providing STAFF-DR-01-018 Confidential Attachments 1 and 2, which are both its state and federal tax returns.

STAFF-DR-01-018 Confidential Attachments 1 and 2 are not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. STAFF-DR-01-018 Confidential Attachments 1 and 2 satisfy the second element of the standard, as this information is highly confidential and proprietary to the Company and is historically considered confidential by the Commission under KRS 61.878(1)(k) as federal and state law generally prohibit public disclosure of tax returns.³

³ *In the Matter of the Electronic Application of Duke Energy Kentucky, Inc., for 1) An Adjustment of 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*, Case No. 2022-00372, Order (Feb. 10, 2023)

The Company requests that these Attachments be afforded confidential treatment pursuant to KRS 61.878(1)(k), and additionally requests that the Attachments be treated as confidential in their entirety pursuant to 807 KAR 5:001E, Section 13(2)(a)(3)(b).

iv. STAFF-DR-01-030 Confidential Attachment;

Staff Request No. 01-030 states as follows:

State whether any changes have been made to Duke Kentucky's internal accounting manuals, directives, and policies and procedures since Duke Kentucky's most recent rate case. If so, provide each item that was changed and identify the changes.

In response to Staff Request No. 01-030, Duke Energy Kentucky provided STAFF-DR-01-030 Confidential Attachment which includes internal accounting and cash management policies and procedures.

STAFF-DR-01-030 Confidential Attachment are proprietary in nature and not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. STAFF-DR-01-030 Confidential Attachment satisfies the second element of the standard as it was developed by internal expertise and contain detailed information regarding the operations of the Company and Duke Energy Corporation including, but not limited to, how the Company evaluates risks, conducts hedging activities, accounts for various business transactions, capitalizes its electric and natural gas businesses and otherwise manages its business operations and finances. Finally, STAFF-DR-01-030 Confidential Attachment also satisfies the third element because if this information were to become publicly available, competitors, potential vendors, and transaction counterparties would have access to information regarding the Company's

("The federal and state tax returns provided in response to Staff's First Request, Item 18 are granted confidential protection pursuant to KRS 61.878(1)(k) as the documents are specifically exempt from disclosure.").

operations that would place it at a significant disadvantage in its operations as it competes for business or negotiates contracts. Finally, the Commission has previously granted confidential treatment of this information in prior proceedings.⁴

The Company requests that this Attachment be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1), and additionally requests that the Attachment be treated as confidential in its entirety pursuant to 807 KAR 5:001E, Section 13(2)(a)(3)(b).

v. STAFF-DR-01-039 Confidential Attachments 1 and 2;

Staff Request No. 01-039 states as follows:

For each employee group, state the amount, percentage increase, and effective dates for general wage increases and, separately, for merit increases granted or to be granted in the past two calendar years, the base period, and the forecasted test period.

In response to Staff Request No. 01-039, Duke Energy Kentucky is providing STAFF-DR-01-039 Confidential Attachments 1 and 2 which includes third-party salary surveys. The Company requests that these Attachments be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1), and additionally requests that the Attachments be treated as confidential in their entirety pursuant to 807 KAR 5:001E, Section 13(2)(a)(3)(b).

STAFF-DR-01-039 Confidential Attachments 1 and 2 are not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. Further, the attachments satisfy the second element, as the salary surveys were generated by a third-party for a fee that derives value from not being publicly available and constitutes a “trade secret” under KRS 365.880(4). Finally, the third element is satisfied, as disclosure of this information would result in a commercial disadvantage to the

⁴ *In the Matter of the Electronic Application of Duke Energy Kentucky, Inc., for 1) An Adjustment of 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*, Case No. 2022-00372, Order (Feb. 10, 2023).

Company and could violate the Company's agreement with the third-party to maintain the confidentiality of these surveys.

vi. Highlighted portions of STAFF-DR-01-040 Confidential Attachments 1 and 3;

Staff Request No. 01-040 states as follows:

For the base period and three most recent calendar years, provide a schedule reflecting the job title, duties and responsibilities of each executive officer, the number of employees who report to each officer, and to whom each officer reports, and the percentage annual increase and the effective date of each increase. For employees elected to executive officer status since the test year in Duke Kentucky's most recent rate case, provide the salaries for the persons they replaced.

In response to Staff Request No. 01-040, Duke Energy Kentucky is providing STAFF-DR-01-040 Confidential Attachments 1 and 3 which contains highlighted confidential information related to compensation for some of Duke Energy's most senior leaders, information which competitors could use and exploit in trying to recruit those leaders away from Duke Energy. The Company requests that the highlighted portions of the Attachments 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.

STAFF-DR-01-040 Confidential Attachments 1 and 3 satisfy the second element of the standard because, as stated above, compensation information is generally recognized as confidential and proprietary. Finally, the Attachments also satisfy the third element because disclosure would provide competitors insight into the Duke Energy Kentucky's compensation philosophies, policies, and practices. Gaining access to this information would be extremely valuable to the Company's competitors who might desire to recruit

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.

vii. Highlighted portions of STAFF-DR-01-041 Confidential Attachment;

Staff Request No. 01-041 states as follows:

Provide, in the format provided in Schedule K, the following information for Duke Kentucky's compensation and benefits, for the three most recent calendar years and the base period. Provide the information individually for each corporate officer and by category for Directors, Managers, Supervisors, Exempt, Non-Exempt, Union, and Non-Union Hourly. Provide the amounts, in gross dollars, separately for total company operations and jurisdictional operations.

- a. Regular salary or wages.
- b. Overtime pay.
- c. Excess vacation payout.
- d. Standby/Dispatch pay.
- e. Bonus and incentive pay.
- f. Any other forms of incentives, including stock options or forms of deferred compensation (specify).
- g. Other amounts paid and reported on the employees' W-2 (specify).
- h. Healthcare benefit cost.
 - (1) Amount paid by Duke Kentucky.
 - (2) Amount paid by the employee.
- i. Dental benefits cost.
 - (1) Amount paid by Duke Kentucky.
 - (2) Amount paid by the employee.
- j. Vision benefits cost.
 - (1) Amount paid by Duke Kentucky.
 - (2) Amount paid by the employee.
- k. Life insurance cost.
 - (1) Amount paid by Duke Kentucky.
 - (2) Amount paid by the employee.
- l. Accidental death and disability benefits.
 - (1) Amount paid by Duke Kentucky.
 - (2) Amount paid by the employee.
- m. Defined Benefit Retirement cost.
 - (1) Amount paid by Duke Kentucky.
 - (2) Amount paid by the employee.

- n. Defined Contribution – 401(k) or similar plan cost. Provide the amount paid by Duke Kentucky.
- o. Cost of any other benefit available to an employee, including fringe benefits (specify).

In response to Staff Request No. 01-041, Duke Energy Kentucky is providing STAFF-DR-01-041 Confidential Attachment which contains highlighted confidential 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 employees from Duke Energy. The Company requests that the highlighted portions of the Attachment, the names and titles of these employees, 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.

STAFF-DR-01-041 Confidential Attachment satisfies the second element of the standard as disclosure of the names and titles would be an invasion of personal privacy. Finally, the Attachment also satisfies the third element because disclosure of the specific compensation tied to the names and titles of individual employees would provide competitors insight into the Duke Energy Kentucky's compensation philosophies, policies, and practices. Duke Energy Kentucky and Duke Energy Corp. compete for employees among a robust pool of employers, including other regional utilities. The level of compensation and financial incentives provided by the companies is instrumental in recruiting and retaining highly qualified employees. If competitors had ready access to this information, they could use it to place Duke Energy Corp. and Duke Energy Kentucky at a disadvantage in recruiting and retaining employees. Finally, the Commission has

previously granted confidential treatment of this information in prior proceedings.⁵

viii. STAFF-DR-01-049(c) Confidential Attachment; and,

Staff Request No. 01-049 states as follows:

Regarding Duke Kentucky's employee compensation policy:

a. Provide Duke Kentucky's written compensation policy as approved by the board of directors.

b. Provide a narrative description of the compensation policy, including the reasons for establishing the policy and Duke Kentucky's objectives for the policy.

c. Explain whether the compensation policy was developed with the assistance of an outside consultant. If the compensation policy was developed or reviewed by a consultant, provide any study or report provided by the consultant.

d. Explain when Duke Kentucky's compensation policy was last reviewed or given consideration by the board of directors.

e. Explain whether Duke Kentucky's expenses for wages, salaries, benefits, and other compensation included in the base period and any adjustments to the base period, are compliant with the board of director's compensation policy.

In response to Staff Request No. 01-049, Duke Energy Kentucky is providing STAFF-DR-01-049(c) Confidential Attachment which is a copy of its presentation made by a third-party vendor to its Compensation Committee. The Company requests that this Attachment be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1), and additionally requests that the Attachment be treated as confidential in its entirety pursuant to 807 KAR 5:001E, Section 13(2)(a)(3)(b).

The presentation is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. STAFF-DR-01-049(c) Confidential Attachment satisfies the second element of the standard as compensation

⁵ *In the Matter of the Electronic Application of Duke Energy Kentucky, Inc., for 1) An Adjustment of 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*, Case No. 2022-00372, Order (Feb. 10, 2023).

information is considered highly confidential as its current employees and potential employees consider the value of its compensation information as part of their employment status decision. Duke Energy Kentucky and Duke Energy Corporation compete for employees among a robust pool of employers, including other regional utilities. The level of benefits provided by the companies is instrumental in recruiting and retaining highly qualified employees. Finally, the Attachment also satisfies the third element because disclosure would provide competitors insight into the Duke Energy Kentucky's compensation philosophies, policies, and practices. 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 and could violate the Company's agreement with the third-party to maintain the confidentiality of this presentation.

ix. Highlighted portions of STAFF-DR-01-054 Confidential Attachments BLS-3 and BLS-4.

Staff Request No. 01-054 states as follows:

To the extent not already provided, provide a copy of each cost of service study, billing analysis, and all exhibits and schedules that were prepared in Duke Kentucky's rate application in Excel spreadsheet format with all formulas, columns, and rows unprotected and fully accessible.

In response to Staff Request No. 01-054, Duke Energy Kentucky is providing STAFF-DR-01-054 Confidential Attachments BLS-3 and BLS-4 which are the excel versions of Confidential Attachments BLS-3 and BLS-4 to the Direct Testimony of Bruce Sailors.

STAFF-DR-01-054 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 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, 2023.⁶ 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 this Attachment should therefore be treated as confidential and protected accordingly.

STAFF-DR-01-054 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

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 (Dec. 7, 2023).

actual historical practice. The file is marked confidential since it 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, 2023.⁷ 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.⁸ 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

⁷ *Id.*

⁸ *See* KRS 61.878(1)(c)1.

concerning the inner workings of a corporation is ‘generally accepted as confidential or proprietary.’”⁹ 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.

⁹ *Hoy v. Kentucky Industrial Revitalization Authority*, Ky., 907 S.W.2d 766, 768 (Ky. 1995).

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.

II. CONCLUSION

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.

/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 December 16, 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.¹⁰

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¹⁰ *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).