

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 NATURAL GAS RATES;)	CASE NO.
2) APPROVAL OF NEW TARIFFS; AND 3) ALL)	2025-00125
OTHER REQUIRED APPROVALS, WAIVERS,)	
AND RELIEF.)	

**PETITION FOR CONFIDENTIAL TREATMENT OF DUKE ENERGY
KENTUCKY, INC. FOR CERTAIN RESPONSES TO THE ATTORNEY
GENERAL’S AUGUST 1, 2025 SECOND 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 attachment filed in its responses to the Attorney General’s (AG) Second Request for Information issued on August 1, 2025:

- (1) AG-DR-02-001 Confidential Attachment.

Specifically, Duke Energy Kentucky seeks confidential treatment of information referred to herein as the “Confidential Information,” which includes confidential and proprietary information related to Duke Energy Corporation and its subsidiaries.

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. Attachment for Which Confidential Treatment is Sought

i. AG-DR-02-001 Confidential Attachment

AG Request No. 02-001 states as follows:

Refer to Duke Kentucky's response to the Attorney General's First Request for Information ("Attorney General's First Request"), Item 1(f). Duke Kentucky's answer is nonresponsive to the question posed. As originally requested, provide an organizational chart (i.e. group structure chart, corporate hierarchy diagram, entity organizational chart, or a company structure chart) that demonstrates a simplistic demonstration of all the parent companies/holding companies/affiliated companies that are associated with Duke Kentucky. For example, Duke Energy Corporation ("Duke Energy") would be at the top of the organizational chart, with the holding companies/subsidiaries underneath of Duke Energy.

In response to AG Request No. 02-001, Duke Energy Kentucky is providing AG-DR-02-001 Confidential Attachment, a copy of its corporate structure as of June 30, 2025. This corporate structure is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The second element is met as such nonpublic organizational charts have been given confidential treatment as proprietary information, the release of which would create commercial disadvantage for the Company.¹ The third element is satisfied as public disclosure of this information would allow other companies to gain insight into the economic structure of Duke Energy Corporation and its subsidiaries, putting them at a commercial disadvantage. Competitors would get insight into the internal workings of Duke Energy that they would not otherwise be entitled to.

¹ See, e.g., *In the Matter of the Electronic Joint Application of American Electric Power Company, Inc., Kentucky Power Company and Liberty Utilities Co. for Approval of the Transfer of Ownership and Control of Kentucky Power Company*, Case No. 2021-00481, Order (Ky. P.S.C. May 13, 2022) (granting confidential treatment to Algonquin Power & Utilities Corp.'s organizational chart with the exception of parts of the corporate organization that was involved in the proposed acquisition of a Commission-regulated utility).

The Company requests that AG-DR-02-001 Confidential Attachment be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1) and additionally requests that this attachment be treated as confidential in its entirety pursuant to 807 KAR 5:001, Section 13(2)(a)(3)(b).

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.² 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 a corporation is ‘generally accepted as confidential or proprietary.’”³ 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 ensure that the

² See KRS 61.878(1)(c)1.

³ *Hoy v. Kentucky Industrial Revitalization Authority*, Ky., 907 S.W.2d 766, 768 (Ky. 1995).

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.

II. CONCLUSION

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 classify and protect as confidential the specific information described herein.

Respectfully Submitted,

DUKE ENERGY KENTUCKY, INC.

/s/Rocco D'Ascenzo

Rocco O. D'Ascenzo (92796)

Deputy General Counsel

Larisa M. Vaysman (98944)

Associate General Counsel

Duke Energy Business Services LLC

139 East Fourth Street

Cincinnati, OH 45202

Phone: (513) 287-4320

Fax: (513) 370-5720

Rocco.D'Ascenzo@duke-energy.com

Larisa.Vaysman@duke-energy.com

And

Elizabeth M. Brama, *Pro Hac Vice*

Valerie T. Herring (99361)

TAFT STETTINIUS & HOLLISTER LLP

2200 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

Phone: (612) 977-8400

Fax: (612) 977-8650

Counsel for Duke Energy Kentucky, Inc.

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 August 15, 2025; 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.⁴

Angela M. Goad
J. Michael West
Lawrence W. Cook
T. Toland Lacy
John G. Horne II
Assistant Attorneys General
Office of Rate Intervention
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
Angela.Goad@ky.gov
Michael.West@ky.gov
Larry.Cook@ky.gov
Thomas.Lacy@ky.gov
John.Horne@ky.gov

/s/Rocco D'Ascenzo
Counsel for Duke Energy Kentucky, Inc.

⁴ *In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Case No. 2020-00085, Order (Ky. P.S.C. July 22, 2021).