

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

**IN THE MATTER OF:**

ELECTRONIC APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. FOR A DECLARATORY ORDER	)	CASE NO.
REGARDING RECOVERY OF COSTS TO	)	2025-00142
CONVERT CUSTOMERS TO ALTERNATE	)	
SOURCE OF FUEL	)	

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Duke Energy Kentucky, Inc. (“Duke Energy Kentucky”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and for its motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to certain information filed with its Responses to Commission Staff’s Second Requests for Information (“Staff’s Second Request”) and Responses to Morning Scott LLC’s First Request for Information (“Morning Scott’s First Request”) in this matter. In support of its motion, Duke Energy Kentucky hereby states as follows:

1. On March 10, 2026, the Commission granted intervention to Morning Scott, LLC (“Morning Scott”) and Tom Mason.<sup>1</sup> Included in the March 10, 2026 Order was an amended procedural schedule for the processing of the case. On March 16, 2026, Commission Staff, Morning Scott, and Mr. Mason filed requests for information. Duke Energy Kentucky is filing its responses contemporaneously with this motion.

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<sup>1</sup> March 10, 2026 Order (Ky. PSC March 10, 2026).

2. Duke Energy Kentucky's responses to Staff's Second Request and Duke Energy Kentucky responses to Morning Scott's First Request include items which involve the discussion or identification of information that is confidential and proprietary including:

- Staff's Second Request, Item 9 seeks copies of all communications and agreements concerning the proposed abandonment of the TC Energy transmission line between Duke Kentucky and TC Energy;
- Staff's Second Request, Item 10 seeks copies of all communications concerning the proposed abandonment of the TC Energy Transmission line between the farm-tap customers that will lose service as a result of the abandonment and TC Energy and/or Duke Energy Kentucky; and
- Morning Scott's First Request, Item 37 seeks any map, drawing, or other document showing the location of the 27 customers identified in the Application.

3. The information described above is designated as the "Confidential Information" for which protection is sought under KRS 61.878(1)(c)(1). Disclosure of the Confidential Information would permit an unfair commercial advantage to third parties and present an unnecessary and unreasonable infringement upon Duke Energy Kentucky's and its customers legitimate privacy concerns.

4. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure, including 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 Confidential Information would harm Duke Energy Kentucky's competitive position in the marketplace and would be an invasion of the personal privacy of the customers.

Additionally, the Confidential Information is publicly unavailable. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

5. The response to Staff's Second Request, Item 9 requires Duke Energy Kentucky to provide information regarding the proposed abandonment by TC Energy. Duke Energy Kentucky is providing electronic correspondence between employees of Duke Energy Kentucky and TC Energy. Duke Energy Kentucky is requesting confidential protection of this information pursuant to KRS 61.878(1)(c)(1). If these communications were disclosed, it would create an unfair commercial advantage to competitors. The locations of the proposed abandonment would be disclosed and potential suppliers of propane or manufacturers of items necessary for construction of a new pipeline could see the locations raise prices. This would cause a commercial disadvantage to Duke Energy Kentucky.

6. The response to Staff's Second Request, Item 10 requires Duke Energy Kentucky to provide information relating to contact with customers who might lose service. Aside from the two intervenors in this proceeding, none of these customers are a party to this proceeding and it would be a violation of their privacy for this information to be made public. Duke Energy Kentucky believes this information should be granted confidential protection because it would be an unwarranted invasion of personal privacy for these individuals pursuant to KRS 61.878(1)(a).

7. The response to Morning Scott's, First Request, Item 37, Duke Energy Kentucky is providing a map showing the initial connection between the pipeline and Morning Scott. Duke Energy Kentucky believes this map should be granted confidential treatment pursuant to KRS 61.878(1)(m)(1) because the map discloses information that would have a reasonable likelihood of threatening public safety by exposing critical utility systems.

8. Overall, the Confidential Information consists of sensitive and 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 those employees who must have access for business reasons and is generally recognized as confidential and proprietary in the energy industry.

9. Duke Energy Kentucky does not object to limited disclosure of the Confidential Information, pursuant to an acceptable confidentiality and nondisclosure agreement, to intervenors with a legitimate interest in reviewing same for the sole purpose of participating in this case. Duke Energy Kentucky reserves the right to object to providing the Confidential Information to any intervenor if said provision could result in liability to Duke Energy Kentucky under any Confidentiality Agreement or Non-Disclosure Agreement.

10. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Duke Energy Kentucky has noted in the public version of its responses that it is filing confidential responses. Since Duke Energy Kentucky is requesting confidential treatment of the entirety of the documents, the documents are not being filed with highlights.

11. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period.

12. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Duke Energy Kentucky will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, Duke Energy Kentucky respectfully requests that the Commission classify and protect as confidential the Confidential Information described herein for an indefinite period.

This the 23rd day of March 2026

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing was transmitted to the Commission on March 23, 2026, and that there are no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to prior Commission Orders, no paper copies of this filing will be made.



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*Counsel for Duke Energy Kentucky, Inc.*