

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
TO CONVERT CUSTOMERS TO ALTERNATE)	
SOURCE OF FUEL)	

MOTION FOR CONFIDENTIAL TREATMENT

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 for a presentation provided to Commission Staff during the November 14, 2025 Informal Conference.

1. On June 3, 2025, Duke Energy Kentucky filed its Application for a Declaratory Order regarding converting customers to an alternate fuel source. On November 3, 2025, Duke Energy Kentucky filed a Motion for an Informal Conference with Commission Staff. The Informal Conference (“IC”) was held on November 14, 2025.

2. During the IC, Duke Energy Kentucky presented “TC Energy Northern Kentucky Gate Enhancement Project – Farm Tap Removal” (“Presentation”) to Commission Staff regarding the project. The Presentation included information regarding cost estimates and the location of natural gas transmission lines. Collectively, the information described above is designated as the

“Confidential Information” for which protection is sought under KRS 61.878(1)(c)(1), and/or KRS 61.878(1)(m). Disclosure of the Confidential Information would permit an unfair commercial advantage to third parties, disclose critical infrastructure present an unnecessary, and would be an unreasonable infringement upon Duke Energy Kentucky’s legitimate privacy concerns.

3. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure, including KRS 61.878(1)(c)(1); *find; 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 by providing cost estimates of the project and conversion that are not otherwise publicly available and would be to the detriment of Duke Energy Kentucky. Additionally, the Confidential Information is publicly unavailable. The confidentiality of this information is critical to Duke Energy Kentucky’s effective execution of business decisions and strategy. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

4. In the Presentation, Duke Energy Kentucky provided cost estimates for different solutions to the conversion. This includes the cost of negotiating with customers for converting their fuel source and for running new distribution pipes. If these estimated costs were publicly disclosed, Duke Energy Kentucky would be at a commercial disadvantage because customers and potential suppliers would know the prices Duke Energy Kentucky is prepared to pay for the project objections. Therefore, this information should be granted confidential protection pursuant to KRS 61.878(1)(c)(1).

5. Additionally, the Presentation also includes the locations of Duke Energy Kentucky's and TC Energy's existing and planned natural gas transmission lines. KRS 61.878(1)(m)(1) protects "[p]ublic records the disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act..." and specifically exempts from public disclosure certain records pertaining to public utility critical systems. If this information is made publicly available, it could cause potential harm to Duke Energy Kentucky and TC Energy. As such, this information should be granted confidential treatment.

6. 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.

7. 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.

8. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Duke Energy Kentucky is filing separately under seal one (1) unredacted copy of each of the Presentation. The attachment is not being highlighted because confidential treatment is being sought for the entirety of the documents.

9. 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.

10. 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 17th day of November 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on November 17, 2025, 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.