

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF DUKE ENERGY KENTUCKY,	)	CASE NO.
INC. FOR AN ADJUSTMENT TO RIDER NM II	)	2025-00258
RATES AND FOR TARIFF APPROVAL	)	

**PETITION FOR CONFIDENTIAL TREATMENT OF DUKE ENERGY
KENTUCKY, INC. FOR CERTAIN RESPONSES TO COMMISSION STAFF’S
SEPTEMBER 29, 2025 SECOND REQUEST FOR INFORMATION**

Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), by counsel, pursuant to 807 KAR 5:001, Section 13(2), KRS 61.878(1)(c), and other applicable law, moves the Public Service Commission of Kentucky (Commission) for an Order granting confidential treatment to the following attachment to Commission Staff’s (STAFF) Second Request for Information issued on September 29, 2025:

- (1) STAFF-DR-02-008 Confidential Attachment.

Specifically, Duke Energy Kentucky seeks confidential treatment of information referred to herein as the “Confidential Information,” which is comprised of invoices from PJM Settlement, Inc. (PJM).

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 Confidential Information 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. Information for Which Confidential Treatment is Sought

i. STAFF-DR-02-008 Confidential Attachment

Staff Request No. 02-008 states as follows:

Refer to the Direct Testimony of John D. Swez (Swez Direct Testimony), page 18, line 17 through page 19, line 18.

a. Explain why Duke Kentucky is unable to calculate the impact on PJM Billing Line Items charges or credits from behind the meter solar.

b. Explain whether Duke Kentucky requested the information regarding its billing determinants and billing rates for the Billing Line Items from PJM.

c. Provide the last 12 months of PJM bills related to Duke Kentucky. Provide a detailed explanation of the billing determinants and rates and how they are determined.

In response to Staff Request No. 02-008, part (c) Duke Energy Kentucky provides STAFF-DR-02-008 Confidential Attachment, which contains detailed PJM invoices, which show how much revenue or cost Duke Energy Kentucky has received or paid in past months for energy and capacity from PJM. If disclosed, this information could potentially enable third parties to determine the range of capacity and energy offer amounts and price that the Company offered into the PJM market, thereby disclosing the Company's strategy for managing its generation portfolio in the competitive wholesale markets. The Company requests that this Confidential Attachment be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1) and additionally requests that this Confidential Attachment be treated as confidential in its entirety pursuant to 807 KAR 5:001, Section 13(2)(a)(3)(b).

The information in the Confidential Attachment to Staff Request No. 02-008 shows how much revenue or cost Duke Energy Kentucky has received or paid in past months for energy and capacity offered to PJM and is not publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The

information satisfies the second element of the standard, as competitive market data is generally recognized as confidential and proprietary. The Confidential Information also satisfies the third element because disclosure of this these payment amounts, combined with certain publicly obtainable information, could potentially enable third parties to determine the offers the Company had made, and will likely make in the future, into the PJM market, and thereby would place the Company at a disadvantage with future PJM market participation. If released, this information could undermine the Company's ability to effectively and competitively place offers in the PJM market in the future.

c. Request for Confidential Treatment

Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information—if disclosed after that time—will no longer be commercially sensitive so as to impair the interests of the Company if publicly disclosed.

To the extent the Confidential Information becomes 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).

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.

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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 October 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.¹

/s/Larisa M. Vaysman
Counsel for Duke Energy Kentucky, Inc.

¹ *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).