

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC., FOR APPROVAL OF AN)	CASE NO.
ECONOMIC DEVELOPMENT SPECIAL)	2026-00012
CONTRACT)	

**PETITION OF DUKE ENERGY KENTUCKY, INC. FOR CONFIDENTIAL
TREATMENT OF INFORMATION CONTAINED IN ITS APPLICATION**

Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13, and other applicable law, moves the Public Service Commission of Kentucky (Commission) for an Order granting confidential treatment to certain information provided by Duke Energy Kentucky in its Application:

- (1) The highlighted information contained in Confidential Exhibit A – Economic Development Incentive Special Agreement with Niagara Bottling, LLC (**Confidential Exhibit A**)
- (2) Confidential Exhibit D – Marginal Cost Analysis (**Confidential Exhibit D**)

Specifically, Duke Energy Kentucky seeks confidential treatment of information collectively referred to herein, as the “Confidential Information,” which, broadly speaking, includes customer account information, negotiated contract terms, specific load information, the Company’s forecasts of hourly energy pricing over the next several years and customer account information, specific load information, and estimated monthly bills over the next six years.

In support of this Petition, Duke Energy Kentucky states:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. *See* KRS 61.878(1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of that party. Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. The information Duke Energy Kentucky seeks confidential protection includes:

a. The highlighted information submitted in **Confidential Exhibit A** discloses customer specific account and load information, including the amount of and pricing for services to a possible facility in the electric territory of Duke Energy Kentucky at 1731 Garvey Ave., Elsmere, KY. If made public, this information would provide the specific customer account and load information as well as negotiated third party supply information. This information details how the customer operates and uses electricity that would give the customer's competitors a distinct advantage.

b. The information submitted in **Confidential Exhibit D** is the marginal cost study that includes proprietary modeling forecasts and the Company's assumptions of future market prices in PJM. It consists of the Company's assumptions and modeling of forecasted hourly locational marginal pricing for the next several years. **Confidential Exhibit D** also includes projected bills that contain customer specific account information, projected load information, and operating characteristics for the next six years. If made public, this information would provide the specific customer account and load information to its competitors, as well as insight into Duke Energy Kentucky's

operations and assumptions for dispatching generation and meeting customer load obligations. This information would give Duke Energy Kentucky's competitors and potential vendors an advantage in competing for business or negotiating contracts.

3. The Confidential Information is only distributed within Duke Energy Kentucky to those who must have access for business reasons and is generally recognized as confidential and proprietary in the energy industry.

4. The Confidential Information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation.

5. Duke Energy Kentucky does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable confidentiality and non-disclosure agreement, with the Attorney General or other intervenors with a legitimate interest in reviewing the same.

6. The information was, and remains, integral to Duke Energy Kentucky's effective execution of business decisions. And such information is generally regarded as confidential or proprietary. Indeed, as the Kentucky Supreme Court has found, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization Authority*, 904 S.W.2d 766, 768 (Ky. 1995).

7. In accordance with the provisions of 807 KAR 5:001, Section 13(3), the Company is filing one copy of the Confidential Information separately under seal, and one copy without the Confidential Information included.

8. 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.

9. 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).

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 January 30, 2026; 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

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/s/Sheena McGee Leach
Counsel for Duke Energy Kentucky, Inc.

¹ *In the Matter of Electronic Emergency Docket Related to the vel Coronavirus COVID-19*, Case No. 2020-00085, Order (Ky. P.S.C. July 22, 2021).