

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 RESPONSES TO COMMISSION STAFF’S FIRST SET OF
DATA REQUESTS ISSUED MARCH 24, 2026**

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, respectfully moves the Public Service Commission of Kentucky (Commission) for an Order granting confidential treatment to certain information provided by Duke Energy Kentucky in its responses to requests for information, as requested by Commission Staff in this case on March 24, 2026.:

- (1) Confidential Attachment in response to Data Request No. 3 (**STAFF-DR-01-003 Confidential Attachment**)
- (2) The highlighted information contained in the Company’s confidential response to Data Request No. 6 (**CONFIDENTIAL STAFF-DR-01-006**)

Specifically, Duke Energy Kentucky seeks confidential treatment of information collectively referred to herein, as the “Confidential Information,” which, broadly speaking, includes specific, non-public customer facility information, detailed load and usage data, and the precise amount of energy consumption and pricing of electric services for one

specific customer.

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 information submitted in **STAFF-DR-01-003 Confidential Attachment** is one specific customer's detailed usage and billing information, including the precise amount of energy consumption of and pricing of electric services for a specific facility in the electric territory of Duke Energy Kentucky. If made public, this information would provide approximately two calendar years' worth of hourly interval electric usage data for the customer in question, along with corresponding PJM Locational Marginal Price (LMP) data for the same hourly interval periods. This information details how the customer operates and uses electricity and would give the customer's competitors and/or vendors a potential advantage in negotiating transactions.

b. The highlighted information submitted in **CONFIDENTIAL STAFF-DR-01-006** discloses specific, non-public information regarding a Duke Energy Kentucky customer's facility and potential operational modifications. This information was obtained by the Company through confidential discussions with the customer as part

of the Company's negotiations. If made public, this information would disclose sensitive, non-public customer information and representations made by the customer during those negotiations, including details regarding the customer's future operational plans. Public disclosure would reveal sensitive customer information, impair the Company's ability to engage in candid discussions with future customers regarding their operations, and potentially result in competitive harm to the customer.

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.

/s/Sheena McGee Leach

Rocco O. D'Ascenzo (92796)

Deputy General Counsel

Larisa M. Vaysman (98944)

Associate General Counsel

Sheena McGee Leach (100598)

Staff Attorney

Duke Energy Business Services LLC

139 East Fourth Street, 1303-Main

Cincinnati, Ohio 45202

Phone: (513) 287-2728

Fax: (513) 370-5720

rocco.d'ascenzo@duke-energy.com

larisa.vaysman@duke-energy.com

sheena.mcgee@duke-energy.com

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 April 10, 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

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

¹ *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).