

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

In the Matter of:

ELECTRONIC APPLICATION OF DUKE	)	
ENERGY KENTUCKY, INC. FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY FOR TO CONSTRUCT	)	CASE NO.
GAS DISTRIBUTION LINES IN CAMPBELL,	)	2026-00114
PENDLETON, AND BRACKEN COUNTIES	)	
KENTUCKY AND OTHER GENERAL	)	
RELIEF	)	

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Duke Energy Kentucky, Inc. (“Duke Energy Kentucky”), by and through counsel, pursuant to KRS 61.878(1), 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 responses to Commission Staff’s Third Request for Information (“Staff’s Third Request”). Duke Energy Kentucky respectfully states as follows:

1. Duke Energy Kentucky is requesting confidential treatment to the following responses to Staff’s Third Request”:

- The response to Staff’s Third Request Item 7;
- The response to Staff’s Third Request Item 16;
- The response to Staff’s Third Request Item 17; and,
- The response Staff’s Third Request Item 19.

The information described above is designated as the “Confidential Information” for which protection is sought under KRS 61.878(1). Disclosure of the Confidential Information would

present an unnecessary and unreasonable infringement upon Duke Energy Kentucky's legitimate privacy concerns and the privacy concerns of customers.

2. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure, including KRS 61.878(1)(c)(1); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky. App. 1994); and *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The Confidential Information is publicly unavailable, and the confidentiality of this information is critical to Duke Energy Kentucky's effective execution of business decisions and strategy, and the safety of its infrastructure. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

3. In response to Staff's Third Request, Item 7, Duke Energy is providing a confidential attachment which contains communications from TC Energy concerning abandonment timing, continued customer service, or coordinate with Duke Kentucky's proposed construction. Duke Energy is requesting confidential treatment to the response to this request 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 creating a commercial disadvantage for Duke Energy.

4. In response to Staff's Third Request, Item 16, Duke Energy is providing copies of confidential agreements and communications relating to the proposed abandonment of the TC energy transmission line between Duke Energy and TC Energy and Duke Energy and KO Transmission. Duke Energy requests confidential treatment pursuant to KRS 61.878(1)(c)(1) and

807 KAR 5:001, Section 13(2)(a)(3)(b). The negotiated terms of the contracts and communications are not publicly available, and Duke Energy Kentucky is not required to make these contracts public, thus satisfying the statutory standard for confidentiality of a proprietary record. Contracts are generally considered confidential as they contain proprietary pricing information and negotiated contract terms and conditions that are maintained as confidential between the contracting parties. Public disclosure would place Duke Energy Kentucky at a disadvantage in the marketplace and vendors would be less willing to negotiate with Duke Energy Kentucky out of fear that their sensitive and competitive pricing contractual terms would be made public.

5. In response to Staff's Third Request, Item 17, Duke Energy Kentucky is providing a confidential attachment which contains specific customer account information,. The Company requests that the highlighted information contained in the attachment be afforded confidential treatment pursuant to KRS 61.878(1)(a). The information highlighted shows the names and addresses of the affected customers and is not publicly available, thus satisfying the statutory standard for confidentiality of a proprietary record. The disclosure of the names and addresses of the customers would create an unwarranted invasion of personal privacy for these individuals that are not a party to this proceeding.

6. In response to Staff's Third Request, Item 19, Duke Energy Kentucky is identifying the two affected customers that Duke Energy Kentucky did not intend to offer payments to cover the cost of conversion because they could generally be served from existing facilities. Duke Energy Kentucky's response contains specific customer account information that should be afforded confidential treatment pursuant to KRS 61.878(1)(a). The information highlighted shows the names and addresses of the affected customers and is not publicly available, thus satisfying the statutory standard for confidentiality of a proprietary record. The disclosure of the names and

addresses of the customers would create an unwarranted invasion of personal privacy for these individuals that are not a party to this proceeding.

7. 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.

8. 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.

9. 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 attachments with the confidential information highlighted and a redacted copy is being filed into the public record of this proceeding. Duke Energy Kentucky is not providing the Attachment to Staff’s Third Request, Item 16 with highlights because confidential treatment is requested for the entirety of the documents.

10. 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.

11. 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 26th day of October 2026

Respectfully submitted,



L. Allyson Honaker
Heather S. Temple
Meredith L. Cave
HONAKER LAW OFFICE, PLLC
1795 Alysheba Way, Suite 1203
Lexington, Kentucky 40509
(859) 368-8803
allyson@hloky.com
heather@hloky.com
meredith@hloky.com

Rocco O. D'Ascenzo
Larisa M. Vaysman
Duke Energy Business Solutions, LLC
139 East Fourth Street/1303-Main
P.O. Box 960 Cincinnati, Ohio 45202

(513) 287-4320
Rocco.D'Ascenzo@duke-energy.com
Larisa.Vaysman@duke-energy.com
Counsel for Duke Energy Kentucky, Inc.

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on October 26, 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.

A handwritten signature in blue ink, appearing to read "Meredith Kane". The signature is fluid and cursive, with the first name "Meredith" and the last name "Kane" clearly distinguishable.

Counsel for Duke Energy Kentucky, Inc.