COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY KENTUCKY, INC. TO AMEND ITS DEMAND SIDE MANAGEMENT PROGRAMS	)))	CASE NO. 2026-00222

PETITION FOR CONFIDENTIAL TREATMENT OF DUKE ENERGY KENTUCKY, INC. FOR CERTAIN RESPONSES TO THE STAFF OF THE PUBLIC SERVICE COMMISSION'S OCTOBER 12, 2026 FIRST 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 information and attachments filed in its responses to Commission Staff's (Staff) First Request for Information issued on October 12, 2026:

(1) Highlighted text within response to STAFF-DR-01-004 and its Confidential Attachments 1 through 6.

Specifically, Duke Energy Kentucky seeks confidential treatment of information referred to herein as the "Confidential Information," which, broadly speaking, includes (1) documents collectively comprising the Company's Request for Proposal (RFP) for its Income Qualified Neighborhood Energy Saver (IQNES) Program; and (2) the names of qualified vendors who were invited and/or responded to the RFP. The Confidential Information was developed internally by Duke Energy Corporation and Duke Energy Kentucky personnel that is not on file with any public agency, and is not available from any commercial or other source outside of the Company, and is only shared outside the

Company on condition of confidential treatment. All 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.

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 documents 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. Attachments for Which Confidential Treatment is Sought

i. Highlighted text within response to STAFF-DR-01-004 and its Confidential Attachments 1 through 6

Staff Request No. 01-004 states as follows:

> Refer to the application, page 5.
> a. Explain whether a request for proposal (RFP) was issued for the selection of new IQNES vendors. If so, provide a copy of the RFP and respondents.
> b. Identify the vendor chosen for IQNES.

In response to Staff Request No. 01-004, Duke Energy Kentucky identifies specific vendors, as well as provides STAFF-DR-01-004 Confidential Attachments 1 through 6, which comprise the Company's RFP for the IQNES Program that includes the responsive bids from multiple vendors. Releasing this information would make public Duke Energy Kentucky's bid solicitation requirements, questions, and process, and would place Duke Energy Kentucky at a commercial disadvantage as it solicits and compares bids from various suppliers and vendors. Neither the names of the vendor respondents to the RFP nor the RFP itself are publicly available, thus satisfying the first element of the statutory standard for confidentiality of a proprietary record. The Company requests that the highlighted information contained within the written response be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1) and additionally requests that the Attachments

be treated as confidential in their entirety pursuant to 807 KAR 5:001, Section 13(2)(a)(3)(b).

In *Hoy v. Kentucky Indus. Revitalization Auth.*, 907 S.W.2d 766, 768 (Ky. 1995), the Kentucky Supreme Court held that documents detailing the "inner workings of a corporation (are) 'generally recognized as confidential or proprietary.'" The highlighted information within the written response and STAFF-DR-01-004 Confidential Attachments 1 through 6 satisfies this standard. The Confidential Information satisfies the second element of the standard, as RFP materials are generally recognized as confidential and proprietary. It also satisfies the third element, as releasing this information would harm the Company and its customers in the future as prospective vendors and counterparties would know how Duke Energy Kentucky compares and evaluates its potential vendors for demand side management programs. If publicly available, potential vendors could use this information to adjust their bidding strategies and potentially increase the price the Company pays for services, thereby effectively harming the Company's customers.

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 likely impair the interests of the Company if publicly disclosed.

The Company does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, with the Attorney General or other intervenors with a legitimate interest in reviewing the same for the purpose of participating in this case.

To the extent the Confidential Information becomes generally 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

In accordance with the provisions of 807 KAR 5:001, Section 13(2)(e), the Company is filing one copy of all Confidential Information separately under seal, with confidential treatment sought for the entirety of the documents. Duke Energy Kentucky notes in the public version of the responses the filing of said confidential material.

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/Larisa M. Vaysman

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 45201-0960
Phone: (513) 287-4010
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 being filed in paper medium; that the electronic filing was transmitted to the Commission on October 27, 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/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. PSC July 22, 2021).