

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 TO)	
CONVERT ITS WET FLUE GAS)	
DESULFURIZATION SYSTEM FROM A)	
QUICKLIME REAGENT PROCESS TO A)	CASE NO.
LIMESTONE REAGENT HANDLING SYSTEM AT)	2024-00152
ITS EAST BEND GENERATING STATION AND)	
FOR APPROVAL TO AMEND ITS)	
ENVIRONMENTAL COMPLIANCE PLAN FOR)	
RECOVERY BY ENVIRONMENTAL SURCHARGE)	
MECHANISM)	

ORDER

On July 25, 2024, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for the highlighted portions of the Direct Testimony of John A. Verderame (Verderame Direct Testimony) and the Direct Testimony of Chad D. Donner (Donner Direct Testimony).

In support of its petition, Duke Kentucky argued that portions of the Verderame Direct Testimony contained confidential “vendor pricing information, market risks, pricing forecasts, and the Company’s strategies and evaluations in procuring a reliable source of cost-effective reagent supply for East Bend’s wet-flue gas desulfurization process.”¹ Duke Kentucky argued the highlighted portions should receive confidential treatment

¹ Petition of Duke Kentucky for Confidential Treatment of Information Contained in its Application (Petition) (filed July 25, 2024) at 3.

pursuant to KRS 61.878(1)(c)(1) as the information is not publicly available and is generally recognized as confidential and proprietary. Furthermore, they argued that public disclosure would place Duke Kentucky at a disadvantage in future negotiations and could potentially result in a lack of bargaining power for the Company and less favorable contract terms.

Duke Kentucky also alleged that highlighted portions of the Donner Direct Testimony contained confidential “detailed operational cost projections, anticipated savings, pricing, and detailed information relating to the Company’s projected annual expenditures for 2023 through 2029.”² Duke Kentucky argued the highlighted portions should receive confidential treatment pursuant to KRS 61.878(1)(c)(1) as they are not publicly available, generally recognized as confidential or proprietary, and contain commercially sensitive information.

Having considered the petition and the material at issue, the Commission finds that vendor and supplier pricing information³ is generally recognized as confidential or proprietary; portions of the Verderame Direct Testimony, therefore, meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1). Furthermore, the Commission finds that public disclosure of operational cost projections, anticipating savings and pricing, and detailed information relating to Duke Kentucky’s projected annual expenditures for 2023-2029 could provide insight into the inner workings of the company and place Duke

² Petition (filed July 25, 2024) at 3–4.

³ See Case No. 2021-00004, *Electronic Application of Kentucky Power Company for Approval of a Certificate of Public Convenience and Necessity for Environmental Project Construction at the Mitchell Generating Station, an Amended Environmental Compliance Plan, and Revised Environmental Surcharge Tariff Sheets* (Ky. PSC May 13, 2021), Order.

Kentucky at a competitive disadvantage when negotiating.⁴ Therefore, portions of the Donner Direct Testimony meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's July 25, 2024 petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Duke Kentucky shall inform the Commission and file with the Commission an unredacted copy of the designated material.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Duke Kentucky shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Duke Kentucky is


⁴ See Case No. 2021-00127, *Electronic Application of Rhudes Creek Solar, LLC for a Certificate of Construction for an Approximately 100 Megawatt Merchant Electric Solar Generating Facility and Related 138 KV Nonregulated Electric Transmission Line Approximately 1 1/2 Miles in Length in Hardin County, Pursuant to KRS 278.700 and 807 KAR 5:110* (Ky. PSC Jan. 12, 2022), Order.

unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Duke Kentucky to seek a remedy afforded by law.

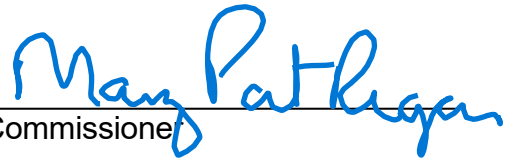
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PUBLIC SERVICE COMMISSION

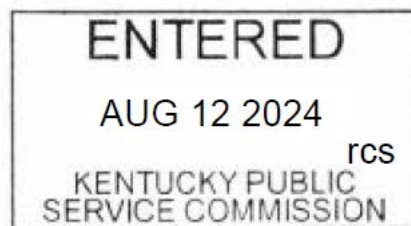


Chairman

Vice Chairman



Commissioner



ATTEST:



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