

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)	2025-00002
ITS EAST BEND GENERATING STATION AND)	
FOR APPROVAL TO AMEND ITS)	
ENVIRONMENTAL COMPLIANCE PLAN FOR)	
RECOVERY BY ENVIRONMENTAL SURCHARGE)	
MECHANISM)	

ORDER

On January 28, 2025, 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), the entirety of Attachment JAV-2, and the highlighted portions of the Direct Testimony of Chad D. Donner (Donner Direct Testimony). Apart from Attachment JAV-2, the highlighted portions of the Verderame Direct Testimony and the Donner Direct Testimony is identical to the information granted confidential treatment by the Commission in Duke Kentucky's Case No. 2024-00152.¹

¹ Case No. 2024-00152, *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 Limestone Reagent Handling System at its East Bend Generating Station and for Approval to Amend its Environmental Compliance Plan for Recovery by Environmental Surcharge Mechanism* (Ky. PSC Aug. 12, 2024), Order.

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.”² Duke Kentucky argued the highlighted portions should receive confidential treatment 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 Duke Kentucky and less favorable contract terms.

In addition, Duke Kentucky argued that Attachment JAV-2 receive confidential treatment since it “depicts Duke Kentucky’s internal forecasts of generating unit performance, projected sales, dispatch costs and load projections for several years in the future.”³ If released, Duke Kentucky argued this information would provide competitors with sensitive economic information that would adversely affect Duke Kentucky’s ability to compete in the wholesale electric markets, harming customers.

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 Duke Kentucky’s projected annual expenditures for 2023 through 2029.”⁴ Duke Kentucky argued the highlighted portions

² Petition of Duke Kentucky for Confidential Treatment of Information Contained in its Application (Petition) (filed January 28, 2025) at 3, paragraph (b)(i).

³ Petition at 4, paragraph (b)(i).

⁴ Petition at 4, paragraph (b)(ii).

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 information is generally recognized as confidential or proprietary; portions of the Verderame Direct Testimony and the entirety of Attachment JAV-2, meet 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 Kentucky at a competitive disadvantage when negotiating. Therefore, the highlighted 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 January 28, 2025 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 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.

PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner

ATTEST:



Executive Director

ENTERED
APR 21 2025 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Debbie Gates
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Joe F. Childers
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KY 40507

*Minna Sunderman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*John G Horne, II
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Rocco O D'Ascenzo
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Kristin Henry
Staff Attorney
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CA 94612

*Sarah Lawler
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45202

*Larisa Vaysman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201