

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. FOR AN ORDER APPROVING	)	
THE ESTABLISHMENT OF A REGULATORY	)	CASE NO.
ASSET FOR THE ENGINEERING COSTS	)	2025-00281
INCURRED ASSOCIATED WITH ITS	)	
WITHDRAWN LIMESTONE CONVERSION AND	)	
MATS COMPLIANCE STRATEGIES	)	

ORDER

On October 3, 2025 and December 1, 2025, Duke Energy Kentucky, Inc. (Duke Kentucky) filed petitions, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for Duke Kentucky's response to Commission Staff's First Request for Information (Staff's First Request), Items 4 (a) and (b) Attachments; and Duke Kentucky's response to Commission Staff's Second Request for Information (Staff's Second Request), Item 1, highlighted information and Attachment.

October 3, 2025 Petition

In support of its petition, Duke Kentucky argued that its response to Staff's First Request, Items 4(a) and (b) Attachments should be afforded confidential treatment pursuant to KRS 61.878(1)(c)(1).¹ Duke Kentucky argued that the resulting market- and risk-related terms and conditions were not typical for this vendor, and the contract

¹ Petition for Confidential Treatment of Duke Kentucky for Certain Responses to Commission Staff's September 22, 2025 Request for Information (Oct. 3, 2025 Petition) (filed Oct. 3, 2025) at 3.

includes provisions requiring each party to take steps to maintain the confidentiality of information in the agreement.² Duke Kentucky argued that, if disclosed, the pricing terms in this contract could harm the supplier's ability to negotiate other contracts and would inhibit the company's ability to negotiate future contracts with this supplier and potentially other suppliers.³ Duke Kentucky also stated that it contains commercially sensitive information which if released, would provide competitors with sensitive economic information that would adversely affect the company's ability to compete in the wholesale electric markets, thereby harming Kentucky customers as well as, adversely impacting the vendor's ability to negotiate future agreements impacting its business.⁴

Having considered the petition and the material at issue, the Commission finds that Duke Kentucky's October 3, 2025 petition should be granted in part and denied in part. The Commission finds that Duke Kentucky's response to Staff's First Request, Item 4 (a) Attachment and the material terms like financial information, pricing terms, and negotiated terms from Item 4(b) Attachment are generally recognized as confidential or proprietary. The Commission further finds that disclosure of this information would permit an unfair commercial advantage to competitors.; it 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).

The Commission further finds that the request for confidential treatment should be denied for non-material terms provided in Duke Kentucky's response to Staff's First

² Oct 3., 2025 Petition at 4.

³ Oct. 3, 2025 Petition at 4.

⁴ Oct. 3, 2025 Petition at 4.

Request, Item 4(b) Attachment. Any boilerplate non-material terms should not be granted confidential treatment because such terms would not result in any commercial advantage to Duke Kentucky's competitors. Therefore, the designated material does not meet the criteria for confidential treatment and should not be exempted from public disclosure pursuant to KRS 61.878 (1)(c)(1) and 807 KAR 5:001, Section 13.

December 1, 2025 Petition

In support of its position, Duke Kentucky argued that its Duke Kentucky's response to Staff's Second Request, Item 1, highlighted information and Attachment should be granted confidential treatment pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13(2)(a)(3)(b).⁵ Duke Kentucky stated that it contains proprietary modeling and analysis that includes and contains pricing forecasts, unit dispatch projections, load assumptions, used to inform its strategies and evaluations in procuring a reliable source of cost-effective reagent supply for East Bend's wet-flue gas desulfurization process.⁶ Duke Kentucky argued that disclosed, the pricing terms in this contract could harm the supplier's ability to negotiate other contracts and would inhibit its ability to negotiate future contracts with this supplier and potentially other suppliers.⁷

Having considered the petition and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary. The Commission further finds that disclosure of this information would permit an unfair

⁵ Petition for Confidential Treatment of Duke Kentucky for Certain Responses to Commission Staff's November 18, 2025 Second Request for Information (Dec. 1, 2025 Petition) (filed Dec. 1, 2025) at 1-3.

⁶ Dec. 1, 2025 Petition at 3.

⁷ Dec. 1, 2025 Petition at 4.

commercial advantage to competitors.; it 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).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's October 3, 2025 petition for confidential treatment is granted in part, denied in part.

2. Duke Kentucky's request for confidential treatment for Duke Kentucky's response to Staff's First Request, Item 4 (a) Attachment and the material terms like financial information, pricing terms, and negotiated terms from Item 4(b) Attachment is granted.

3. Duke Kentucky's request for confidential treatment for non-material terms contained in for Duke Kentucky's response to Staff's First Request, Item 4 (b) is denied.

4. Duke Kentucky's December 1, 2025 petition is granted.

5. 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.

6. 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).

7. 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.

8. 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 20 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.

9. The Commission shall not make the requested material for which confidential treatment was granted 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.

10. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

11. If Duke Kentucky objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials shall be granted confidential treatment.

12. Within 30 days of the date of service of this Order, Duke Kentucky shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

13. The designated material for which Duke Kentucky's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow Duke Kentucky to seek a remedy afforded by law.

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Entered on this 15th day of October, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner

by AH
w/permission



Barry L. Mayfield
Commissioner

ATTEST:



Justin McNeil
Executive Director

Service List for Case 2025-00281

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