

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. FOR A CERTIFICATE OF	)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY	)	2026-00086
AUTHORIZING THE PHASE FIVE	)	
REPLACEMENT OF THE AM07 PIPELINE	)	

ORDER

On May 29, 2026, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a petition for confidential treatment of information, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for Supplemental Exhibits 3(e) and 3(h).

KRS 61.878(1)(m)(1)(f) exempts from public disclosure:

Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems....

KRS 61.878(1)(m)(1)(g) exempts:

The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency....

KRS 61.878(1)(c)(1) exempts:

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....

In support of its petition, Duke Kentucky argued that Supplemental Confidential Exhibits 3(e) and 3(h) both contain engineering drawings of critical utility infrastructure which are exempt from public disclosure pursuant to KRS 61.878(1)(m)(1)(f) and 1(g), the disclosure of which would threaten public safety.¹ Further, Duke Kentucky argued that Supplemental Confidential Exhibit 3(h) contains an encroachment agreement contains proprietary pricing information and negotiated contract terms which are exempt from public disclosure pursuant to KRS 61.878(1)(c)(1), the disclosure of which would place Duke Kentucky at a disadvantage in future negotiations as potential counterparties would have access to what Duke Kentucky currently pays or expects to pay.²

Having considered the petition and the material at issue, the Commission finds that the material contained in Supplemental Exhibits 3(e) and 3(h) is generally recognized as confidential or proprietary and considered to be critical infrastructure per KRS 878(1)(m)(1)(f) and (1)(g). Additionally, Supplemental Confidential Exhibit 3(h) contains information generally recognized as confidential or proprietary the release of which would place Duke Kentucky at a competitive disadvantage as contemplated by KRS 61.878(1)(c)(1). Therefore, they meet the criteria for confidential treatment and

¹ Petition of Duke Kentucky for Confidential Treatment of Information (Petition) (filed May 29, 2026) at 3.

² Petition at 4.

should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m)(1)(f), KRS 61.878(1)(m)(1)(g), or KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's May 29, 2026 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 an indefinite period or until further order of this Commission.
3. Supplemental Confidential Exhibit 3(h) contains confidential treatment granted 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.
4. 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).
5. 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.
6. 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.

7. 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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Entered on this 5th day of August, 2026.

PUBLIC SERVICE COMMISSION



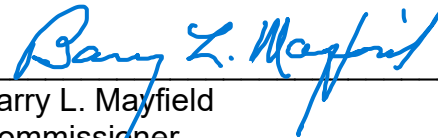
Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
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ATTEST:



Justin McNeil
Executive Director

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