

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	)	CASE NO.
AUTHORIZING THE CONSTRUCTION OF A GAS	)	2026-00112
PIPELINE EXTENSION IN INDEPENDENCE,	)	
KENTUCKY	)	

ORDER

This matter comes before the Commission on two petitions for confidential treatment filed by Duke Energy Kentucky, Inc. (Duke Kentucky). On May 1, 2026, 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 several exhibits to its application, filed the same date: Exhibits 3(g)(1), 3(g)(2), 3(g)(3), 4, and DAK-1 to the Direct Testimony of David A. Klein.

On June 26, 2026, 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 Commission Staff's First Request for Information (Staff's First Request), Items 3(b) (Attachment 1) and 8 (Attachment).

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884."¹ Exceptions to the free and open

¹ KRS 61.872(1).

examination of public records contained in KRS 61.878 should be strictly construed.² The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.³

In support of its motion, Duke Kentucky argued for the application of KRS 61.878(1)(c)(1), which provides an exception to the requirement for public disclosure for records that are “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,” and KRS 61.878(1)(m), which exempts “[p]ublic records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act . . .”⁴ The exemption is limited to certain types of records, including:

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.⁵

A terrorist act is defined as including a criminal act intended to “[d]isrupt a system” identified in the above.⁶

² See KRS 61.871.

³ 807 KAR 5:001, Section 13(2)(c).

⁴ KRS 61.878(1)(m)(1).

⁵ KRS 61.878(1)(m)(1)(f).

⁶ KRS 61.878(1)(m)(2)(b).

MAY 1, 2026 PETITION

Exhibits 3(g)(1), 3(g)(2), 3(g)(3), and 4 to Duke Kentucky's application consisted of gas pipeline engineering plans, including exact locations of gas system infrastructure. Duke Kentucky argued that this information should be exempted from disclosure pursuant to KRS 61.878(1)(m), as it constitutes information pertaining to critical infrastructure that could be used to disrupt the system.

Exhibit DAK-1 presented itemized cost estimates. Duke Kentucky asserted that disclosure would place it at a competitive disadvantage in the bidding process.

Having considered the petition and the material at issue, the Commission finds that the May 1, 2026 petition for confidential treatment should be granted. Exhibits 3(g)(1), 3(g)(2), 3(g)(3), and 4 should be exempted from public disclosure indefinitely pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m). Exhibit DAK-1 should be exempted from public disclosure for ten years pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

JUNE 26, 2026 PETITION

Duke Kentucky's response to Staff's First Request, Item 3(b) (Attachment 1) consisted of gas pipeline engineering plans, including exact locations of gas system infrastructure. Duke Kentucky argued that this information should be exempted from disclosure pursuant to KRS 61.878(1)(m), as it constitutes information pertaining to critical infrastructure that could be used to disrupt the system.

Duke Kentucky's response to Staff's First Request, Item 8 (Attachment), presented itemized cost estimates. Duke Kentucky asserted that disclosure would place it at a competitive disadvantage in the bidding process.

Having considered the petition and the material at issue, the Commission finds that the June 26, 2026 petition for confidential treatment should be granted. Duke Kentucky's response to Staff's First Request, Item 3(b) (Attachment 1), should be exempted from public disclosure indefinitely pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m). Duke Kentucky's response to Staff's First Request, Item 8 (Attachment), should be exempted from public disclosure for ten years pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's May 1, 2026 and June 26, 2026 petitions for confidential treatment are 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 for Exhibit DAK-1 to the Direct Testimony of David A. Klein and Duke Kentucky's response to Staff's First Request, Item 8 (Attachment), or until further order of this Commission.

3. 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 for Exhibits 3(g)(1), 3(g)(2), 3(g)(3), and 4 to Duke Kentucky's application and Duke Kentucky's response to Staff's First Request, Item 3(b) (Attachment 1), 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.

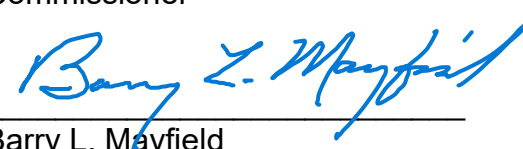
Entered on this 16th day of July, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2026-00112

- * Charlene Barlow
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
- * Minna Sunderman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201
- * Rocco O D'Ascenzo
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201
- * Sheena McGee Leach
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201