

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER	)	
COOPERATIVE, INC. TO TRANSFER	)	CASE NO.
FUNCTIONAL CONTROL OF CERTAIN	)	2012-00169
TRANSMISSION FACILITIES TO PJM	)	
INTERCONNECTION, LLC	)	

ORDER

On July 29, 2022, East Kentucky Power Cooperative, Inc. (EKPC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years for portions of report on EKPC's position in PJM Interconnection, LLC (PJM) that is filed annually. The information is more specifically described as: (1) the amount of Annual Revenue Rights (ARRs) and associated ARR revenue allocated to EKPC; (2) the amount of ARRs converted to Financial Transmission Rights (FTRs); (3) the amount of revenue remaining after converting to FTRs; (4) the additional amount of transmission rights purchased by EKPC; (5) EKPC's hedging positions; and (6) actual and projected membership costs and benefits.

EKPC requested that the designated material received confidential treatment in accordance with KRS 61.878(1)(c)(1), which exempts from open records laws information generally recognized as confidential or proprietary that, if publicly disclosed, would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

In support of its motion, EKPC argued that the designated material consists of information related to the strategy for and results from EKPC's energy trading and

hedging practices, including hedging percentages, trading costs, and net gains. EKPC asserted that, based on the nature of the traded energy market, EKPC would be materially damaged if its competitors were permitted to have access to internal information reflecting transmission rights awarded, converted, and purchased; hedging strategies; and actual and projected PJM membership costs and benefits.

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

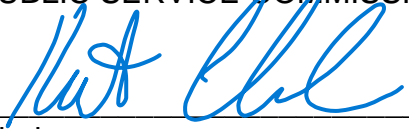
1. EKPC's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. EKPC shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
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, EKPC 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 EKPC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

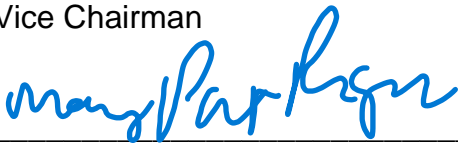
6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow EKPC to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION

  
Chairman

Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

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