

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER) CASE NO.
COOPERATIVE, INC. FOR THE APPROVAL OF A) 2015-00422
SPECIAL CONTRACT)

ORDER

This matter arises from a motion requesting confidential treatment, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, filed by East Kentucky Power Cooperative, Inc. (EKPC), on March 31, 2017.

In its motion, EKPC requests confidential treatment for ten years for the information contained in its annual reporting on the Industrial Power Agreement with Interruptible Service (IPA) between EKPC, Nolin Rural Electric Cooperative Corporation, and AGC Automotive Americas (AGC). EKPC states that the annual reporting is required pursuant to the final Order that was issued on March 14, 2016, in this matter. The annual report details the prior calendar year's interruption of AGC under the IPA. EKPC states that disclosure of the interruptions to AGC would permit EKPC's competitors to have an unfair commercial advantage in that the information contains sensitive and proprietary information that is internally derived by EKPC in order to provide service to its customers at fair, just, and reasonable rates. EKPC further states that disclosure of the information would give its competitors sensitive information about EKPC's interaction with AGC and would, therefore, potentially harm EKPC's competitive position in the marketplace to the detriment of EKPC and its members.

Having carefully considered the motion and the materials at issue, the Commission finds that the designated materials in EKPC's confidentiality motion meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. EKPC's March 31, 2017 motion for confidential treatment is granted.
2. The designated materials for which EKPC seeks confidential treatment in its March 31, 2017 motion shall not be placed in the public record or made available for public inspection for ten years or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. EKPC shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect the materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then EKPC shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
6. The Commission shall not make the requested materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow EKPC to seek a remedy afforded by law.

By the Commission

ENTERED
MAY 21 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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