

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)	
THE FUEL ADJUSTMENT CLAUSE OF EAST)	CASE NO.
KENTUCKY POWER COOPERATIVE, INC. FROM)	2016-00002
MAY 1, 2015 THROUGH OCTOBER 31, 2015)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On February 19, 2016, East Kentucky Power Cooperative ("EKPC") moved pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record or be subject to public inspection.

In support of its motion filed on February 19, 2016, EKPC states that the information it is requesting to be held confidential is contained in its Responses to Commission Staff's Information Request ("Responses to Staff's Request"), Items 15, 19, and 20. The information is more particularly described as: Item 15 – Procurement Manual; Item 19 – Bid Tabulation Sheets; and Item 20 – Bid Tabulation Sheets. EKPC states that the information contains materials that if publicly disclosed would likely result in competitive injury to EKPC and, therefore, is generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

Having carefully considered the motion requesting confidential treatment and the materials at issue, the Commission finds that the materials contained in EKPC's

Responses to Staff's Request, Items 15, 19, and 20, meet the criteria for confidential protection as set forth in KRS 61.878(1)(c), and should not be placed in the public record for a period of ten years from the date of this Order, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. EKPC's motion for confidential protection is hereby granted.
2. The materials contained in EKPC's Responses to Staff's Request, Items 15, 19, and 20, are hereby granted confidential protection. The materials granted confidential protection will not be placed in the public record nor made available for public inspection for a period of ten years from the date of this Order, or upon 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 granted confidential protection become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, EKPC shall have 20 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 materials available for inspection for 20 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
MAR 31 2016
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Acting Executive Director

*David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

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East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707