

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO.
NECESSITY, APPROVAL OF CERTAIN)	2016-00269
ASSUMPTION OF EVIDENCES OF)	
INDEBTEDNESS AND ESTABLISHMENT OF A)	
COMMUNITY SOLAR TARIFF)	

ORDER

On September 9, 2016, East Kentucky Power Cooperative, Inc. (“EKPC”) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for a period of ten years to portions of its responses to Commission Staff’s First Request for Information (“Staff’s First Request”). The designated materials for which confidential protection is requested are more specifically described as the following:

- EKPC’s response to Staff’s First Request, Item 10, the NRECA Market Research study, which was conducted by a third-party market research firm and contains proprietary market research. EKPC requests confidential treatment for all of the information provided in its response to Staff’s First Request, Item 10, with the exception of slides 1–6.
- EKPC’s response to Staff’s First Request, Item 14.b., which consists of e-mail correspondence and transmission system impact studies that contain critical energy infrastructure information pertaining to the physical facilities for generating and

transmitting electricity in the region. EKPC requests confidential treatment for the entirety of its response to Staff's First Request, Item 14.b.

- EKPC's response to Staff's First Request, Item 21, which consists of excerpts of minutes of board meetings pertaining to the proposed solar project. EKPC requests confidential treatment for the entirety of its response to Staff's First Request, Item 21.

- EKPC's response to Staff's First Request, Item 23, which consists of an Owner-Member's power bill summary page for July 2016 and an additional bill page from an Owner-Member's power bill showing the total amount billed for July 2016. EKPC requests confidential treatment for the Owner-Member's name and address only.

In support of its petition requesting confidential treatment, EKPC asserts that the designated materials in its responses to Staff's First Request, Items 10 and 21, contain commercially sensitive information regarding proprietary market research and EKPC's business planning and strategy that, if publicly disclosed, would place EKPC at a competitive disadvantage. EKPC further asserts that the designated materials in its response to Staff's First Request, Item 23, contains commercially sensitive information regarding an Owner-Member's energy purchases, which if publicly disclosed would place EKPC and the Owner-Member at a competitive disadvantage. EKPC contends that public disclosure of the designated materials could provide a competitive advantage to potential vendors and competitors, which would create high costs for EKPC and higher rates for EKPC's Members. EKPC states that the designated materials in its

responses to Staff's First Request, Items 10, 21, and 23, are generally recognized as confidential and are thus exempt from public disclosure pursuant to KRS 61.878(1)(c).

EKPC further states that the designated materials in its response to Staff's First Request, Item 14.b., contain critical energy infrastructure information that if publicly disclosed could result in the disruption of the provision of safe and reliable electricity, and could have a reasonable likelihood of threatening public safety, and thus are exempt from public disclosure pursuant to KRS 61.878(1)(m)(1).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in EKPC's responses to Staff's First Request, Items 10, 14b, 21, and 23, are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, could result in commercial harm to EKPC, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1), KRS 61.878(1)(m)(1), and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. EKPC's petition for confidential protection for designated materials contained in its responses to Staff's First Request, Items 10, 14.b, 21, and 23 is granted.
2. The designated materials set forth in EKPC's responses to Staff's First Request, Items 10, 14.b., 21, and 23 shall not be placed in the public record or made available for public inspection for a period of 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.

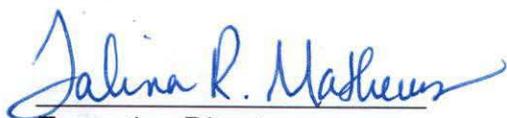
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, then EKPC shall have 20 days from receipt of written notice of the request to demonstrate 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 requested 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
JAN 10 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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