

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)	
COMMISSION OF THE ENVIRONMENTAL)	
SURCHARGE MECHANISM OF EAST KENTUCKY)	
POWER COOPERATIVE, INC. FOR THE SIX- MONTH)	CASE NO.
BILLING PERIOD ENDING JUNE 30, 2016, AND THE)	2016-00335
PASS THROUGH MECHANISM FOR ITS SIXTEEN)	
MEMBER DISTRIBUTION COOPERATIVES)	

ORDER

On November 7, 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 to portions of its responses to Commission Staff's First Request for Information ("Staff's First Request"). The designated material for which confidential protection is requested is more specifically described as EKPC's response to Staff's First Request, Item 8.b., which contains invoices EKPC submitted to its Member distribution cooperatives ("Member"). The invoices include confidential customer information, specifically, the names of industrial customers, the substations that serve those customers, and the billing information for those customers.

In support of its petition requesting confidential treatment, EKPC asserts that the designated materials in its response to Staff's First Request, Item 8.b., contain commercially sensitive information that is retained by EKPC and each relevant Member on a "need-to-know" basis that is not publically available and, if disclosed, would give competitors an unfair advantage by revealing the largest customers' demand and billing

information. EKPC also states that disclosure of the designated material would possibly have an effect on economic development in the respective Members' territories since the designated materials describe the usage of the largest industrial customers on EKPC's system. EKPC asserts that other states' economic development officials would be eager to know the specific details of the large industrial customers' energy requirements.

Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The designated materials contained in EKPC's response to Staff's First Request, Item 8.b., 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), and 807 KAR 5:001, Section 13.

2. Pursuant to KRS 61.878, the materials for which EKPC requests confidential protection should not be placed in the public record or made available for public inspection for ten years from the date of this Order, or until further Order of the Commission.

IT IS THEREFORE ORDERED that:

1. EKPC's petition for confidential protection for designated materials contained in its response to Staff's First Request, Item 8.b., is granted.

2. The designated materials set forth in EKPC's response to Staff's First Request, Item 8.b., 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.

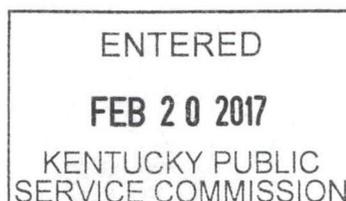
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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



ATTEST:


Executive Director

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