

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR APPROVAL TO AMEND)	
ITS ENVIRONMENTAL COMPLIANCE PLAN AND)	CASE NO.
RECOVER COSTS PURSUANT TO ITS)	2018-00270
ENVIRONMENTAL SURCHARGE, AND FOR THE)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY)	

ORDER

This matter arises from a motion requesting confidential treatment, pursuant to KRS 61.878(1)(m) and 807 KAR 5:001, Section 13, filed by East Kentucky Power Cooperative, Inc. (EKPC), on October 3, 2018.

In its motion, EKPC requests confidential treatment for an indefinite period for the information contained in Exhibits A and B attached to its application in this matter. EKPC states that Exhibits A and B are maps of its Spurlock Generating Station and Cooper Generating Station, respectively, with relevant facilities and infrastructure identified. EKPC also seeks confidential treatment of Attachment SY-2 to Exhibit J, the Direct Testimony of Sam Yoder, which contains preliminary plans and specifications for the proposed modification and expansion of the Coal Pile Runoff Pond at the Spurlock Generating Station.

EKPC states that these documents contain identifications and depictions of certain critical energy infrastructure presently located and proposed to be located at the Spurlock and Cooper Generating Stations. EKPC contends that public disclosure of critical energy

infrastructure information could be used to commit or further a criminal or terrorist act, disrupt critical public utility systems, or intimidate or coerce the civilian population. EKPC further contends that disclosure of such information could also result in the disruption of innumerable other infrastructure systems that relate to, or rely upon, the safe and reliable provision of electricity.

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)(m)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. EKPC's October 3, 2018 motion for confidential treatment is granted.
2. The designated materials for which EKPC seeks confidential treatment in its October 3, 2018 motion shall not be placed in the public record or made available for public inspection for an indefinite period 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.

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By the Commission

ENTERED
MAY 23 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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