

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR A CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY FOR)	2018-00292
THE CONSTRUCTION OF BACKUP FUEL)	
FACILITIES AT ITS BLUEGRASS GENERATING)	
STATION)	

ORDER

This matter arises from a motion requesting confidential treatment, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, filed by East Kentucky Power Cooperative, Inc. (EKPC), on August 24, 2018.

In its motion, EKPC requests confidential treatment for an indefinite period for information contained in exhibits to its application in this matter. In particular, EKPC notes that Exhibit A to its application contains a map of the Bluegrass Generating Station (Bluegrass Station) with relevant facilities and infrastructure identified. EKPC also notes that preliminary plans and specifications for the proposed backup fuel project at the Bluegrass Station have been provided as an appendix to the Project Scoping Report prepared by Burns & McDonnell Engineering Co., Inc. EKPC states that these documents contain detailed information regarding the location and characteristics of certain critical energy infrastructure at the Bluegrass Station. EKPC contends that public disclosure of this information could be used to commit or further a criminal or terrorist act or disrupt critical public utility systems. EKPC further contends that the information could have a reasonable likelihood of threatening public safety because it contains detailed, highly

technical information about the inner workings of a sizeable generating station fueled by combustible materials.

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

IT IS THEREFORE ORDERED that:

1. EKPC's August 24, 2018 motion for confidential treatment is granted.
2. The designated materials for which EKPC seeks confidential treatment 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 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
FEB 01 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00292

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