

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR AN ORDER)	CASE NO.
APPROVING THE ESTABLISHMENT OF)	2019-00146
REGULATORY ASSETS FOR PRESENT AND)	
FUTURE MAINTENANCE EXPENSES)	

ORDER

This matter arises on a petition filed on July 17, 2019 by East Kentucky Power Cooperative, Inc. (EKPC), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for ten years.

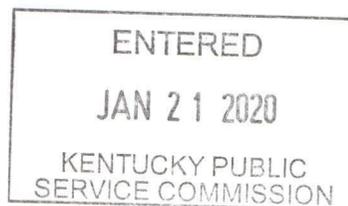
In support of its petition filed on July 17, 2019, EKPC states that public disclosure of the designated materials contained in its responses to Commission Staff's Initial Request for Information, Item 5(b), and Nucor Steel Gallatin's First Set of Data Requests, Items 1, 2, and 7 would result in competitive injury by providing its competitors with forecasted expenditures and financial data, as well as critical financial metrics and documents reflecting internal policy and financial deliberations, recommendations, and decisions related to the projected maintenance of EKPC's generation fleet.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in EKPC's July 17, 2019 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

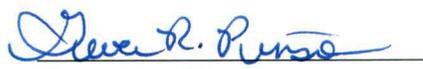
IT IS THEREFORE ORDERED that:

1. EKPC's July 17, 2019 petition for confidential protection is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission.
3. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. EKPC shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, 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 designated 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.

By the Commission



ATTEST:


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