

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE REQUEST OF EAST KENTUCKY POWER	)	
COOPERATIVE, INC. AND FLEMING-MASON RURAL	)	
ELECTRIC COOPERATIVE CORPORATION FOR THE	)	CASE NO. 90-197
APPROVAL OF VARIOUS CONTRACTS RELATING	)	
TO STEAM AND ELECTRIC SERVICE TO INLAND	)	
CONTAINER CORPORATION	)	

O R D E R

This matter arising upon petition of East Kentucky Power Cooperative, Inc. ("East Kentucky") filed August 8, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the responses to Items 3(a)-(c) and 4(a)-(b) to the Commission's Order dated August 1, 1990, on the grounds that disclosure of the information is likely to cause East Kentucky competitive injury and it appearing to this Commission as follows:

East Kentucky seeks to protect as confidential its responses to Questions 3(a)-(c) and 4(a)-(b) to the Commission's Order of August 1, 1990. The information consists of East Kentucky's analysis of the impact of the Inland Container load on the East Kentucky system which East Kentucky has prepared for its own internal evaluations and for the purpose of providing necessary information to the Commission.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the

information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The analysis draws upon more comprehensive East Kentucky system data and forecast which would be of great value to East Kentucky's competitors. Disclosure of the information would jeopardize the competitive position of East Kentucky in negotiations for future industrial loads. Therefore, the information should be protected from public disclosure.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

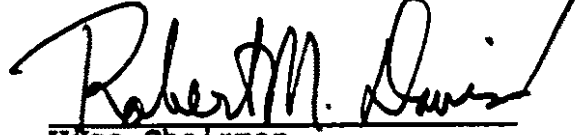
1. The information furnished in response to Items 3(a)-(c) and 4(a)-(b) to the Commission's Order of August 1, 1990, which East Kentucky has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.


2. East Kentucky shall, within 10 days of this Order, file an edited copy of its responses to the Commission's Order with the confidential material obscured for inclusion in a public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 5th day of September, 1990.

**PUBLIC SERVICE COMMISSION**

  
Chairman

  
Vice Chairman

  
Commissioner

**ATTEST:**

  
Executive Director