

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER	)	
COOPERATIVE, INC. FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY FOR	)	
CONSTRUCTION OF AN ASH LANDFILL AT J.K.	)	CASE NO.
SMITH STATION, THE REMOVAL OF	)	2014-00252
IMPOUNDED ASH FROM WILLIAM C. DALE	)	
STATION FOR TRANSPORT TO J.K. SMITH AND	)	
APPROVAL OF A COMPLIANCE PLAN	)	
AMENDMENT FOR ENVIRONMENTAL	)	
SURCHARGE RECOVERY	)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On January 23, 2015, East Kentucky Power Cooperative, Inc. ("EKPC") filed a motion pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection for five years.

In support of its motion, EKPC states that the information it is requesting to be held confidential is contained in EKPC's responses to the Attorney General's Third Request for Information. The information is more particularly described as estimates of specific dispatch expenses associated with the operation of Dale Units 3 and 4, including those related to variable operation and maintenance expense and start-up/shut-down expense. EKPC states that it utilizes these dispatch expense estimates as an integral part of a larger analysis to ascertain the appropriate pricing for the generating unit supply offers EKPC submits to PJM Interconnection, Inc., as well as for various financial and general business purposes. EKPC maintains that the information

sought to be kept confidential contains highly sensitive, commercially valuable, and strictly proprietary information. EKPC further states that disclosure of the subject information would provide EKPC's competitors a distinct and substantial business advantage by knowing EKPC's pricing allocations and operational assumptions.

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

1. The materials for which EKPC seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

2. The materials for which EKPC seeks confidential treatment should not be placed in the public record or made available for public inspection for a five-year period from the date of this Order, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. EKPC's Motion for Confidential Treatment is hereby granted.

2. The materials for which EKPC seeks confidential treatment shall not be placed in the public record or made available for public inspection for a five-year period from the date of this Order, 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).

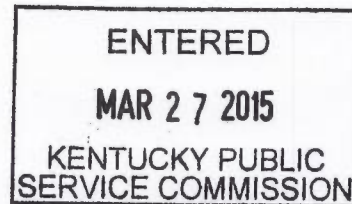
4. EKPC shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

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

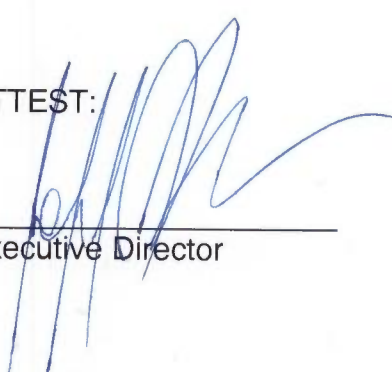
been granted confidential treatment has not run, then EKPC shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable to make such demonstration, the requested 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:

  
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Executive Director

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