

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION)	
OF THE FUEL ADJUSTMENT CLAUSE OF)	CASE NO.
EAST KENTUCKY POWER COOPERATIVE,)	2015-00233
INC. FROM NOVEMBER 1, 2014 THROUGH)	
APRIL 30, 2015)	

ORDER REGARDING MOTION FOR CONFIDENTIAL TREATMENT

On August 28, 2015, East Kentucky Power Cooperative, Inc. ("EKPC") moved the Commission, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 for confidential treatment of certain information submitted to the Commission as part of this proceeding. Specifically, EKPC seeks confidential treatment for a period of ten years for information contained in its responses to the Commission's August 14, 2015 Order, Appendix, request for information, Items 19 and 20. EKPC describes the confidential information as bid tabulation sheets containing coal specifications received from third-party bidders, pricing data for coal bids received from third-party bidders, and recommendations from EKPC Staff regarding the selection of particular vendors to supply fuel to EKPC's generating fleet.

KRS 61.878(1)(c) exempts from public disclosure confidential information which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records. In support of its Motion, EKPC states that the confidential information is retained by EKPC on a "need-to-know" basis and is not publicly available. EKPC states that disclosure of the confidential information would give potential vendors and competitors a competitive market advantage in the course of

ongoing and future negotiations, which in turn would translate into higher costs for EKPC and, by extension, detrimentally higher rates for EKPC's Members. Thus, EKPC maintains that the disclosure of the confidential information would be highly prejudicial to EKPC, EKPC's Members, and those Members' retail customers.

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

1. EKPC's responses to the Commission's request for information, Items 19 and 20, as set forth in the Appendix to the Commission's August 14, 2015 Order, constitute confidential information critical to EKPC's effective execution of business decisions and strategy.

2. The disclosure of the information contained in EKPC's responses to the Commission's request for information, Items 19 and 20, as set forth in the Appendix to the Commission's August 14, 2015 Order, would have a reasonable likelihood of permitting an unfair commercial advantage to competitors of EKPC.

3. EKPC has met its burden of proof to show that the materials for which it seeks confidential treatment are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

4. The materials for which EKPC seeks confidential treatment should not be placed in the public record or be made available for public inspection for a period of ten years, or until further Order of this Commission.

IT IS THEREFORE ORDERED that:

1. EKPC's Motion for Confidential Treatment of its responses to the Commission's request for information, Items 19 and 20, as set forth in the Appendix to the Commission's August 14, 2015 Order, is granted.

2. The materials for which EKPC seeks confidential treatment shall not be placed in the public record or be made available for public inspection for a period of ten years, or until further Order of this Commission.

3. Use of the materials in question in this 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, 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

ENTERED
NOV 06 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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