

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On October 20, 2015, East Kentucky Power Cooperative (“EKPC”) moved pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, EKPC states that the information it is requesting to be held confidential is contained in its response to the Commission’s Post Hearing Data Request, Item 9 (“Response”). The information is more particularly described as a summary of outage insurance potential payouts and the circumstances under which the payouts would be made, as well as the annual costs of policies. EKPC states that the information contains materials that if publicly disclosed would likely result in competitive injury to the EKPC, and therefore is generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

Having carefully considered the motion requesting confidential treatment and the materials at issue, the Commission finds that the materials contained in EKPC’s Response meet the criteria for confidential protection as set forth in KRS 61.878(1)(c),

and should not be placed in the public record for a period of ten years from the date of this Order, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. EKPC's petition for confidential protection for its Response is hereby granted.

2. The materials granted confidential protection will not be placed in the public record or made available for public inspection for a period of ten years from the date of this Order, or upon 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 granted confidential protection 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 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  
JUL 18 2016  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2015-00233

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