

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR APPROVAL OF THE)	
ACQUISITION OF EXISTING COMBUSTION)	CASE NO.
TURBINE FACILITIES FROM BLUEGRASS)	2015-00267
GENERATION COMPANY, LLC AT THE)	
BLUEGRASS GENERATING STATION IN)	
LAGRANGE, OLDHAM COUNTY, KENTUCKY)	
AND FOR APPROVAL OF THE ASSUMPTION OF)	
CERTAIN EVIDENCES OF INDEBTEDNESS)	

ORDER

On November 13, 2015, East Kentucky Power Cooperative, Inc. ("EKPC") filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to certain materials contained in EKPC's responses to Commission Staff's Post-Hearing Information Request ("Staff's Post-Hearing Request") Items 2, 8, and 9. EKPC requests that the designated information remain confidential for a period of ten years. The designated materials are more particularly described as net capacity revenues received by EKPC during the 2014/2015 PJM Delivery Year, which are contained in EKPC's response to Staff's Post-Hearing Request, Item 2; equity ratio inputs, including purchase price of the Bluegrass Station, which are contained in EKPC's response to Staff's Post-Hearing Request, Item 8; and journal accounting entries for the purchase price of the Bluegrass Station, which are contained in EKPC's response to Staff's Post-Hearing Request, Item 9.

In support of its petition, EKPC states that the designated information would permit an unfair commercial advantage to EKPC's competitors if it were publicly

disclosed, and thus is generally recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

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

1. The materials contained in EKPC's response to Staff's Post-Hearing Request, Item 2, for which EKPC seeks confidential treatment are records that are generally recognized as confidential or proprietary, and therefore 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 contained in EKPC's response to Staff's Post-Hearing Request, Items 8 and 9, for which EKPC seeks confidential treatment do not meet the criteria for confidential treatment under KRS 61.878(1)(c) and 807 KAR 5:001, Section 13. The designated information refers to the Bluegrass Station purchase price. In an Order entered on November 24, 2015, the Commission denied confidential treatment for the Bluegrass Station purchase price, given the Commission's need to be able to fully and specifically address the cost impact in its final determination of this matter, and given that EKPC's members and their respective retail customers have a right to know the evidence upon which the Commission relied in determining whether the costs of the proposed acquisition and operation of Bluegrass Station are fair, just, and reasonable. EKPC's request for confidential treatment should be denied for the materials contained in EKPC's response to Staff's Post-Hearing Request, Items 8 and 9.

IT IS THEREFORE ORDERED that:

1. EKPC's motion for confidential protection is granted in part and denied in part.

2. EKPC's request for confidential treatment of information set forth in its response to Staff's Post-Hearing Request, Item 2, is granted. The information set forth in EKPC's response to Staff's Post-Hearing Request, Item 2, shall remain confidential for a period of ten years.

3. EKPC's request for confidential treatment of information set forth in EKPC's response to Staff's Post-Hearing Request, Items 8 and 9, is denied.

4. Within seven days of the date of this Order, EKPC shall file a revised response to Staff's Post-Hearing Request, Items 8 and 9, reflecting as unredacted the information that has been denied confidential treatment.

5. The materials set forth in EKPC's response to Staff's Post-Hearing Request, Item 2, for which EKPC's request for confidential treatment has been granted, shall not be placed in the public record or made available for public inspection for a period of ten years.

6. The materials set forth in EKPC's response to Staff's Post-Hearing Request, Items 8 and 9, for which EKPC's request for confidential treatment has been denied, shall not be placed in the public record or made available for inspection for 20 days from the date of this Order to allow Movant to seek a remedy afforded by law.

7. Use of the materials that were granted confidential treatment in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

8. EKPC shall inform the Commission if the materials granted confidential treatment become publicly available or no longer qualify for confidential treatment.

9. 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.

10. 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 see a remedy afforded by law.

By the Commission

ENTERED
JAN 12 2016
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:



Executive Director

*Larry Cook
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

*East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Jennifer Black Hans
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

*Stefanie J Kingsley
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*Allyson K Sturgeon
Senior Corporate Attorney
LG&E and KU Services Company
220 West Main Street
Louisville, KENTUCKY 40202