

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	
CLAUSE OF EAST KENTUCKY POWER)	CASE NO.
COOPERATIVE, INC. FROM MAY1, 2017)	2018-00019
THROUGH OCTOBER 31, 2017)	

ORDER

On March 2, 2018, Eastern Kentucky Power Cooperative (“EKPC”) filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of the Response to Request Number 4 and Response to Request Number 11 contained in the Appendix to the Commission’s Order of February 16, 2018.

Specifically, EKPC seeks confidential treatment of its bid tabulation sheets from coal solicitations (“Response No. 4”). EKPC also seeks confidential treatment of its: 1) Fuel and Admissions Procurement Manual and Board Policy 404, Transaction Authority Limits for Energy and Energy Related Commodities and Transportation; 2) Board Policy 405, Hedging; and 3) Administrative Policy A031, Internal Delegation of Authority (“Response No. 11”). The confidential information includes: delegations of authority to bind EKPC with regard to various transactions; means and methods of transactional processes; procurement strategies; governance records and policies; 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.

As the basis for its request, EKPC states that the confidential information is maintained by EKPC on a "need-to-know" basis and is not publicly available. EKPC states that public disclosure of the confidential information would give potential vendors and competitors a significant competitive advantage in the course of ongoing and future negotiations to procure fuel and fuel-related commodities. EKPC asserts that this advantage would lead to higher costs for EKPC and, thus, higher rates for EKPC's members. EKPC requests that this information remain confidential for ten years.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Response No. 4 and Response No. 11 is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

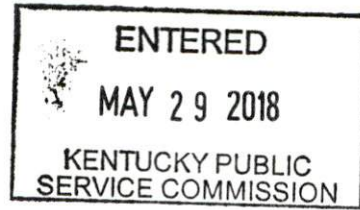
1. EKPC's petition for confidential protection for Response No. 4 and Response No. 11 is granted and the information shall not be placed in the public record or made available for public inspection for a period of ten years or until further Orders of this Commission.
2. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
3. EKPC shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

4. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, then EKPC shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

5. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow EKPC to seek a remedy afforded by law.

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By the Commission



ATTEST:


Executive Director

*L Allyson Honaker
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

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

*Isaac Scott
Pricing Manager
East Kentucky Power Cooperative, Inc.
P. O. Box 707
Winchester, KY 40392-0707

*Patrick Woods
East Kentucky Power Cooperative, Inc.
P. O. Box 707
Winchester, KY 40392-0707

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

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