

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DEMAND-SIDE MANAGEMENT FILING OF EAST	)	CASE NO.
KENTUCKY POWER COOPERATIVE, INC.	)	2019-00059

ORDER

On April 12, 2019, East Kentucky Power Cooperative, Inc., (EKPC), pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, moved that the Commission grant confidential protection to materials filed on a compact disc in response to Commission Staff's Initial Request for Information dated March 28, 2019, Request No. 8, for ten years. The designated materials are spreadsheets containing projections and forecasts used to evaluate demand-side management (DSM) programs and include information as to EKPC's business planning assumptions and critical financial forecasts regarding its evaluation of the costs, benefits, value, and impact of various DSM programs.

In support of its motion, EKPC states that public disclosure of the designated materials will result in unfair commercial advantage to competitors because it would give competitors significant insight into EKPC's modeling and forecasting processes, assumptions and outputs. EKPC asserts that the designated information is exempt from public disclosure pursuant to KRS 61.878(1)(c) and that the Commission has granted confidential protection to the designated materials in the past.

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

IT IS THEREFORE ORDERED that:

1. EKPC's motion for confidential protection for the materials filed on a compact disc in response to Commission Staff's Initial Request for Information on March 28, 2019, Request No. 8, is granted.

2. The designated materials on the compact disc shall 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 until further Orders of this Commission.

3. 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).

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 30 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 30 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.

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By the Commission

ENTERED  
JAN 03 2020  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

Case No. 2019-00059

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