

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC.)	
AND INTER-COUNTY ENERGY)	
COOPERATIVE CORPORATION FOR)	CASE NO.
APPROVAL OF AN INDUSTRIAL POWER)	2020-00193
AGREEMENT WITH ECONOMIC)	
DEVELOPMENT RIDER AND RENEWABLE)	
ENERGY PURCHASES)	

ORDER

On September 9, 2020, East Kentucky Power Cooperative, Inc. (EKPC) and Inter-County Energy Cooperative Corporation (Inter-County Energy) (jointly, Joint Movants) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c) and (d), requesting that the Commission grant confidential treatment for ten years for certain materials contained in Joint Movants' responses to Commission Staff's Second Request for Information (Staff's Second Request), Items 1 and 4.

In support of their motion, Joint Movants argue that their response to Staff's Second Request, Item 1, contains an updated confidential spreadsheet of its previous response to Commission Staff's First Request for Information, Item 1. Joint Movants state that the basis for affording the original spreadsheet confidential treatment was provided in its August 17, 2020 confidentiality motion and Joint Movants rely upon those arguments in seeking confidential treatment for the updated spreadsheet. According to Joint Movants' August 17, 2020 motion for confidential treatment, the spreadsheet contains a sample bill which reveals specific information regarding Diageo Americas Supply, Inc.'s

(Diageo Americas) anticipated demand and energy usage. Joint Movants contend that this information is commercially sensitive, proprietary, and unique to Diageo Americas and that disclosure of such private consumer information would create a disincentive for other large utility customers seeking pricing advantages to locate in Kentucky.

Joint Movants also argue that their response to Staff's Second Request, Item 4, contains a narrative response that specifies the number of participants in EKPC Rate H Renewable Energy Credit (REC) purchase program, the approximate number of RECs acquired by EKPC on an annual basis, the total administrative fee associated with such purchases, and the price paid for RECs. Joint Movants also state that the response discloses the likely REC purchase procurement strategy of EKPC's and Inter-County Energy's customers.

Having considered the motion and the material at issue, the Commission finds that the information contained in Joint Movants' responses to Staff's Second Request, Items 1 and 4, are generally recognized as confidential or proprietary; they therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c) and (d).

IT IS THEREFORE ORDERED that:

1. Joint Movants' motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. Joint Movants shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty 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, Joint Movants shall have 30 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 Joint Movants are unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Joint Movants to seek a remedy afforded by law.

By the Commission



ATTEST:



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