

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)	CASE NO.
CORPORATION FOR APPROVAL OF AN)	2020-00193
INDUSTRIAL POWER AGREEMENT WITH)	
ECONOMIC DEVELOPMENT RIDER AND)	
RENEWABLE ENERGY PURCHASES)	

ORDER

On August 17, 2020, East Kentucky Power Cooperative, Inc. and Inter-County Energy Cooperative Corporation (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 and 15 years for certain materials contained in Joint Movants' responses to Commission Staff's First Request for Information (Staff's First Request), Item 1, and to the Attorney General's First Request for Information (Attorney General's First Request), Item 13, respectively.

In support of their motion, Joint Movants argue that their response to Staff's First Request, Item 1, 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 the Attorney General's First Request, Item 13, shows the current expected forward price curve for renewable energy credits (REC) from several locations for the next 30 years. Joint Movants contend that this information gives REC providers and brokers with tremendous insight into the assumptions and data relied upon to generate internal financial forecasts and budgets and that the Commission has historically afforded confidential treatment to such forecasted financial information.

Having considered the motion and the material at issue, the Commission finds that the information contained in Joint Movants' responses to Staff's First Request, Item 1, and the Attorney General's First Request, Item 13, 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 for the information contained in the response to Staff's First Request, Item 1, and for 15 years for the information contained in the response to the Attorney General's First Request, Item 13, 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

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Deputy Executive Director

Case No. 2020-00193

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