

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF EAST KENTUCKY POWER)	2020-00246
COOPERATIVE, INC. FROM NOVEMBER 1,)	
2019 THROUGH APRIL 30, 2020)	

ORDER

On September 4, 2020, East Kentucky Power Cooperative, Inc. (EKPC) filed a motion, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of EKPC's Responses to the Commission's Order dated August 19, 2020. Specifically, EKPC seeks confidential treatment for tables and analyses included in Responses to Request No. 4 and Request No. 21.b. for ten years.

In support of its motion, EKPC contends that the Responses to Request No. 4 and Request No. 21.b. contain commercially sensitive and proprietary information that describes its business planning assumptions and procurement strategy with regard to fuel as well as the information received and generated in the course of conducting written and oral solicitations for fuel. Specifically, EKPC contends that the information is confidential because it details procurement strategies; coal specifications received from third-party bidders; pricing data for coal bids received from third-party bidders; and recommendations from its staff regarding the selection of particular vendors to supply fuel to EKPC's generating fleet.

According to EKPC, the confidential information, if disclosed, would give potential vendors and competitors a tremendous market advantage in the course of ongoing and future negotiations to procure fuel. These market advantages would likely translate into higher costs for EKPC and, by extension, detrimentally higher rates for EKPC's Members. Thus, disclosure of the confidential information would be highly prejudicial to EKPC, EKPC's Owner-Member Cooperatives, and those Owner-Members' End-Use Retail Members.

Having considered the motion and the material at issue, the Commission finds that the designated tables and analyses contained in Responses No. 4 and 21.b., respectively, are generally recognized as confidential or proprietary; it 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 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. EKPC 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, EKPC 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 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.

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 EKPC to seek a remedy afforded by law.

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