

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC.)	
FOR A GENERAL ADJUSTMENT OF RATES,)	CASE NO.
APPROVAL OF DEPRECIATION STUDY,)	2021-00103
AMORTIZATION OF CERTAIN REGULATORY)	
ASSETS, AND OTHER GENERAL RELIEF)	

ORDER

On April 1, 2021, and April 15, 2021, East Kentucky Power Cooperative, Inc. (EKPC) filed motions, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for information showing the savings realized by EKPC's participation in PJM markets, savings from lower interest rates, specific customer information included and relating to the cost of service study, wage survey information, medical/dental plans data, and Board and Administrative Policies.

In support of its motions, EKPC argues that disclosure of information pertaining to savings realized by EKPC's participation in PJM markets and savings from lower interest rates would permit an unfair advantage to third parties, is critical to EKPC's business decisions and strategy, and may harm EKPC's ability to negotiate with lenders. EKPC additionally argues the information is generally accepted as confidential and proprietary pursuant to Commission and Kentucky Supreme Court precedence.

EKPC argues that certain portions of financial records and relevant policies should also be granted confidential treatment. EKPC asserts specific customer billing

information is self-evidently confidential given the personal and private information involved. EKPC asserts wage survey information from 2017 (The Mercer Report) includes sensitive compensation data which is personal and subject to employee's reasonable expectations of privacy. The Mercer Report information would also permit an unfair economic advantage to EKPC's competitors by allowing them access to compensation amounts for EKPC employees and possibly allowing competitors to poach EKPC's workforce. EKPC argues release of information pertaining to health insurance policies for employees would prejudice and hamper EKPC's ability to negotiate and secure competitive bids for insurance for its workforce. EKPC echoes these arguments in regard to internal administrative policies which help with setting compensation and benefits, in particular asserting disclosure would provide an unfair advantage to competitors by allowing them to poach EKPC's workforce.

EKPC lastly argues Board Policy 103 is a "cornerstone" of EKPC's corporate governance and disclosure would allow competitors to both mimic the best practices of EKPC and potentially poach employees.

EKPC asserts each piece of information is not publicly available, would be highly prejudicial to EKPC, and would result in financial harm that could result in higher rates for EKPC's members and customers.

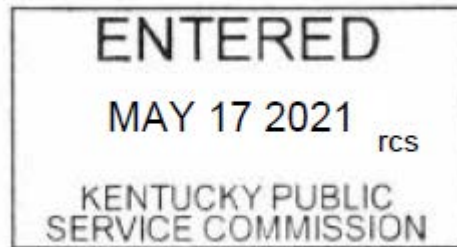
Having considered the motion and the material at issue, the Commission finds that information showing the savings realized by EKPC's participation in PJM markets, savings from lower interest rates, specific customer information regarding the cost of service study, wage survey information, medical/dental plans, and Board and Administrative Policies is generally recognized as confidential or proprietary; it therefore

meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a) and (c).

IT IS THEREFORE ORDERED that:

1. EKPC's motions for confidential treatment are 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:


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