

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)
THE FUEL ADJUSTMENT CLAUSE OF EAST)
KENTUCKY POWER COOPERATIVE, INC. FROM) CASE NO. 2012-00551
NOVEMBER 1, 2010 THROUGH OCTOBER 31,)
2012)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On March 1, 2013, Kentucky Power Company ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the materials in question – tabulation sheets that identify Movant's coal vendors and rank the vendors' proposals under Movant's evaluation process – are records generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). Movant requests that the tabulation sheets remain confidential through December 31, 2015. Movant states that the public disclosure of the tabulation sheets could be used to Movant's competitive disadvantage.

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

1. The materials for which Movant seeks confidential treatment are records containing data which are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. The tabulation sheets for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection until January 1, 2016, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted.

2. The tabulation sheets for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection until January 1, 2016, at which time the materials will be placed in the public record. Movant may request that the materials continue to be treated as confidential but must demonstrate that the materials still fall within the exclusions established in KRS 61.878.

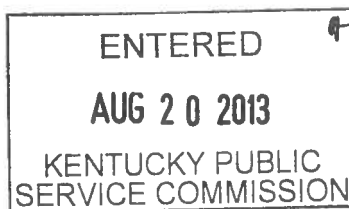
3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the materials are afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the materials in question after the end of the period set forth in ordering paragraph 2.

4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. 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, the Movant shall have 20 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 Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission



ATTEST:



Executive Director

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