

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY FOR)	
CONSTRUCTION OF AN ASH LANDFILL AT J.K.)	CASE NO.
SMITH STATION, THE REMOVAL OF)	2014-00252
IMPOUNDED ASH FROM WILLIAM C. DALE)	
STATION FOR TRANSPORT TO J.K. SMITH AND)	
APPROVAL OF A COMPLIANCE PLAN)	
AMENDMENT FOR ENVIRONMENTAL)	
SURCHARGE RECOVERY)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On September 8, 2014, East Kentucky Power Cooperative, Inc. ("EKPC") filed a motion pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection for an indefinite period of time.

In support of its motion, EKPC states that the information it is requesting to be held confidential is contained on page 20 of its application, pages 24 – 25 of the Direct Testimony of Matt Clark ("Clark Testimony"), and Exhibit MC-1 attached to the Clark Testimony. The information consists of a description of EKPC's transmission lines which the company intends to reroute and relocate as part of its requested proposal to remove coal ash from the Dale Station coal ash ponds. The information also contains a detailed description of the role of these transmission lines within the EKPC transmission system and to the Central Kentucky region.

EKPC maintains that the information sought to be kept confidential relates to critical energy infrastructure and includes highly sensitive information pertaining to the transmission and distribution of electricity both within EKPC's transmission system and within the Central Kentucky region. EKPC further states that disclosure of the subject information could result in the disruption of critical transmission systems which relate to the safe and reliable provision of electricity to EKPC's members, their customers, and others within the region.

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

1. The materials for which EKPC seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(m)(1) and 807 KAR 5:001, Section 13.

2. The materials for which EKPC seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite time period, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. EKPC's Motion for Confidential Treatment is hereby granted.

2. The materials for which EKPC seeks confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite time period, or until further Orders of this Commission.

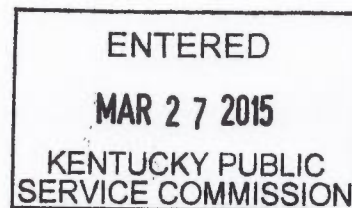
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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

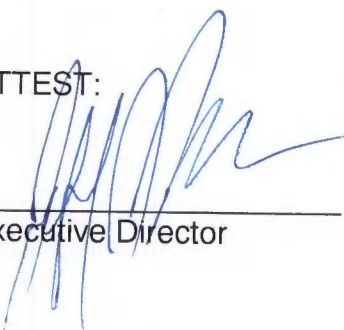
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then EKPC shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow EKPC to seek a remedy afforded by law.

By the Commission



ATTEST:



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