

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR DEVIATION FROM)	CASE NO.
OBLIGATION RESULTING FROM CASE NO.)	2015-00358
2012-00169)	

ORDER REGARDING MOTION FOR CONFIDENTIAL TREATMENT

On February 26, 2016, East Kentucky Power Cooperative (“EKPC”) moved pursuant to KRS 61.878(1)(c) and 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. EKPC states that the information it requests to be held confidential is contained in its responses to a request for information made by Kentucky Industrial Utility Customers, Inc., at the January 29, 2016 Informal Conference (“Responses”). On March 18, 2016, EKPC filed a supplemental response to the request for information (“Supplemental Response”) and adopted its February 26, 2016 motion for confidential treatment for purposes of its Supplemental Response.

In support of its motion, EKPC states that the information it requests to be held confidential consists of projected financial performance data, proposed capital credit allocation methodologies, and certain calculations and projections related to the methodologies. EKPC states that the information contains materials that if publicly disclosed would likely result in competitive injury to the EKPC, and therefore is generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

Having carefully considered the motion requesting confidential treatment and the materials at issue, the Commission finds that the materials contained in EKPC's Response and Supplemental Response meet the criteria for confidential protection as set forth in KRS 61.878(1)(c), and should not be placed in the public record for a period of ten years from the date of this Order, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. EKPC's petition for confidential protection for its Responses and Supplemental Response is hereby granted.

2. The materials granted confidential protection will not be placed in the public record or made available for public inspection for a period of ten years from the date of this Order, or upon further Orders of this Commission.

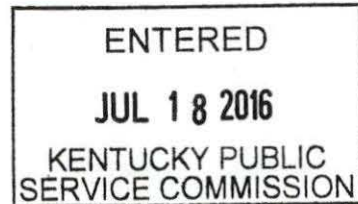
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. EKPC shall inform the Commission if the materials granted confidential protection 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, 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 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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