

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. 2012-	)	2015-00358
00169	)	

ORDER

On June 22, 2016, East Kentucky Power Cooperative (EKPC) filed a motion, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, requesting that designated materials in its Amended Application and supplemental Direct Testimony of Michael McNalley (McNalley Testimony) be afforded confidential treatment for ten years.

In support of its motion, EKPC states that the designated materials consist of calculations and projections that reflect EKPC's anticipated financial performance as a fully integrated member of PJM Interconnection, LLC (PJM), and internally derived projections of the market value of EKPC's J.K. Smith Power Station Unit 1. EKPC contends that public disclosure of the designated materials would 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 and the materials at issue, the Commission finds that the designated materials in the Amended Application and McNalley Testimony 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 ten years.

IT IS THEREFORE ORDERED that:

1. EKPC's petition for confidential protection for its Amended Application and the McNalley Testimony is granted.

2. The designated materials shall not be placed in the public record or made available for public inspection for ten years, 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 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, 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

ENTERED  
DEC 12 2018  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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