

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF	)	
THE FUEL ADJUSTMENT CLAUSE OF EAST	)	CASE NO.
KENTUCKY POWER COOPERATIVE, INC. FROM	)	2016-00231
NOVEMBER 1, 2015 THROUGH APRIL 30, 2016	)	

ORDER

This matter arises on three motions filed by East Kentucky Power Cooperative, Inc. (EKPC), pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection. In motions filed on August 26, 2016; October 5, 2016; and November 16, 2016, EKPC requested that the designated materials be held confidential for ten years.

In its August 26, 2016 motion, EKPC requested confidential treatment for its responses to requests for information contained in the Appendix to the Commission's Order dated August 12, 2016, Item 15. The designated materials consist of written policies and procedures pertaining to EKPC's fuel procurement. EKPC asserts that public disclosure of the designated materials will result in commercial harm to EKPC.

In its October 5, 2016 motion, EKPC requested confidential treatment for its responses to Commission Staff's Request for Information (Staff's First Request), Item 15. The designated materials consist of natural gas and fuel oil purchase confirmations containing commercial terms of the transactions. EKPC asserts that public disclosure of the designated materials will result in commercial harm to EKPC.

In its November 16, 2016 motion, EKPC requested confidential treatment for its responses to Commission Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request), Item 5. The designated materials consist of coal bid analysis information. EKPC asserts that public disclosure of the designated materials will result in commercial harm to EKPC.

Having considered the motions and the materials at issue, the Commission finds that the information contained in EKPC's responses meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. EKPC's motions for confidential protection for its responses to the requests for information contained in the Appendix to the Commission's Order dated August 12, 2016; its responses to Staff's First Request, Item 15; and its responses to Staff's Post-Hearing Request, Item 5, are granted.

2. The designated materials shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission.

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

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

5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, 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 designated 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.

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By the Commission

ENTERED  
JAN 03 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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