

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR A DECLARATORY)	CASE NO.
ORDER CONCERNING A TRANSMISSION LINE)	2017-00100
RELOCATION PROJECT)	

ORDER

On February 23, 2017, East Kentucky Power Cooperative, Inc. ("EKPC") filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of EKPC's application and to exhibits 1 and 2 to the application for an indefinite period of time. The designated materials for which confidential protection is requested are more specifically described as the identity of and maps depicting specific segments of transmission lines that EKPC proposes to relocate to mitigate potential adverse effects of conditions that could impact the transmission grid.

In support of its petition requesting confidential treatment, EKPC asserts that the designated materials contain information about critical energy infrastructure that, if publicly disclosed, would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act, and thus are exempt from public disclosure pursuant to KRS 61.878(1)(m).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in EKPC's application, and

exhibits 1 and 2 to the application are records that are generally recognized as confidential on the grounds of public safety and are exempted from public disclosure pursuant to KRS 61.878(1)(m)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. EKPC's petition for confidential protection for its application and for exhibits 1 and 2 to the application is granted.

2. The materials set forth in EKPC's application and in exhibits 1 and 2 to the application shall not be placed in the public record or made available for public inspection for an indefinite period of time, 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

ENTERED
MAR 23 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director *for*

Case No. 2017-00100

*David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*M. Evan Buckley
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*Mark David Goss
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707