

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2025 INTEGRATED RESOURCE	)	CASE NO.
PLAN OF EAST KENTUCKY POWER	)	2025-00087
COOPERATIVE, INC.	)	

ORDER

This matter comes before the Commission on five motions filed by East Kentucky Power Cooperative, Inc. (EKPC). On April 1, 2025, EKPC filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for ten years for redactions from its Integrated Resource Plan (IRP) pages 93-110, 180, and 220, and for an indefinite period for redacted portions of IRP Section 11.0.

On June 6, 2025, EKPC filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for an indefinite period for its responses to Commission Staff's Second Request for Information (Staff's Second Request), Items 5(e), 13, 32, 34, and 36; Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention's (Attorney General's) First Request for Information (Attorney General's First Request), Items 8 and 15; and Sierra Club's First Request for Information (Sierra Club's First Request), Items 1, 4, 7, 10, and 16.

On August 28, 2025, EKPC filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for an

indefinite period for its responses to Commission Staff's Third Request for Information (Staff's Third Request), Item 11; Attorney General's Second Request for Information (Attorney General's Second Request), Items 11 and 12;¹ and Sierra Club's Second Request for Information (Sierra Club's Second Request), Item 1.

On September 19, 2025, EKPC filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for an indefinite period for redactions from its comments filed September 19, 2025.

On March 9, 2026, EKPC filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for ten years for a redaction from an amendment to the IRP, page 93, filed March 9, 2026.

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884."² Exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.³ The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.⁴

In support of its motion, EKPC argued for the application of KRS 61.878(1)(c)(1), which provides an exception to the requirement for public disclosure for records that are "generally recognized as confidential or proprietary, which if openly disclosed would

¹ The motion did not reference Item 13, however, information was redacted from Item 13. The information is similar in nature to the information contained in Items 11 and 12.

² KRS 61.872(1).

³ See KRS 61.871.

⁴ 807 KAR 5:001, Section 13(2)(c).

permit an unfair commercial advantage to competitors of the entity that disclosed the records,” KRS 61.878(1)(k), which exempts “[a]ll public records or information the disclosure of which is prohibited by federal law or regulation or state law,” KRS 61.878(1)(a), which exempts from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy,” and KRS 61.878(1)(m), which exempts “[p]ublic records the disclosure of which 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 . . .”⁵ The exemption is limited to certain types of records, including:

Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems.⁶

A terrorist act is defined as including a criminal act intended to “[d]isrupt a system” identified in the above.⁷

APRIL 1, 2025 MOTION

The redactions from the IRP include projected costs and operating data for each generating resource; projected capital costs for traditional resources; future year revenue

⁵ KRS 61.878(1)(m)(1).

⁶ KRS 61.878(1)(m)(1)(f).

⁷ KRS 61.878(1)(m)(2)(b).

requirements and average system rates; copyrighted third-party data; modeling inputs embedded in the IRP; and a transmission system map.

EKPC argued that disclosure would reveal proprietary financial and operational planning data, provide unfair advantages to market competitors, and would violate third-party copyrights and confidentiality terms and should remain confidential pursuant to KRS 61.878(1)(c)(1). EKPC argued that the transmission map was critical infrastructure protected from disclosure by 61.878(1)(m).

Having considered the motion and the material at issue, the Commission finds that EKPC's motion should be granted. The Commission finds that the designated material contained in EKPC's redactions are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1), KRS 61.878(1)(m) and 807 KAR 5:001, Section 13.

JUNE 6, 2025 MOTION

EKPC's responses to Staff's Second Request, Item 5(e) consisted of requests for proposals for solar projects. EKPC argued that the document includes EKPC's energy needs forecasts and would harm it with competitors if disclosed. Item 13 included residential customer and economic growth rates. EKPC argued that disclosure would give market participants and competitors insights into the operating costs, resource investment calculations, anticipated load growth, impact to future revenue requirements and system average costs. Items 32 and 34 included third-party studies related to electric vehicle growth. EKPC asserted that this information is proprietary to third parties who have not agreed to publicly disclose the information. Item 36 consisted of a map of

transmission constraints near EKPC's yet to be constructed Liberty RICE facility. EKPC claimed that this map is protected from disclosure by KRS 61.878(1)(m).

EKPC's responses to Attorney General's First Request, Items 8 and 15 pertained to savings and penalties resulting from membership in PJM Interconnection, LLC (PJM). EKPC argued that disclosure would give competitors insight into EKPC's operating strategies and costs.

EKPC's responses to Sierra Club's First Request, Items 1, 4, 7, 10, and 16 included modeling inputs and outputs, revenue requirements for all modeling scenarios, cost information for EKPC's generating units, tax credits for which EKPC might be eligible, and carbon capture-related inputs. EKPC argued that this information, if disclosed, would reveal to market participants and competitors' insights into operating strategies, revenue requirements, operating costs, resource investment calculations, anticipated load growth, impact to future revenue requirements and system average costs.

Having considered the motion and the material at issue, the Commission finds that EKPC's motion should be granted. The Commission finds that the designated material are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1), KRS 61.878(1)(m) and 807 KAR 5:001, Section 13.

AUGUST 28, 2025 MOTION

EKPC's responses to Staff's Third Request, Item 11, included redaction of the cost to pay for a third-party electric vehicle study. EKPC argued that disclosure of this sum would harm EKPC's position in negotiating further contracts for third-party services.

EKPC's responses to the Attorney General's Second Request for Information, Items 11, 12, and 13, pertained to savings and penalties resulting from membership in PJM. EKPC argued that disclosure would give competitors insight into EKPC's operating strategies and costs.

EKPC's responses to Sierra Club's Second Request, Item 1, included redactions from EKPC's load forecast, which EKPC argued could cause potential harm to EKPC if disclosed, because it reveals how EKPC models its load forecast, how accurate the forecasts are, and any potential new customers that will contribute to the load.

Having considered the motion and the material at issue, the Commission finds that EKPC's motion should be granted. The Commission finds that the designated material are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

SEPTEMBER 19, 2025 MOTION

EKPC's September 19, 2025 reply comments included redactions of information regarding specific energy and capacity revenues provided by Cooper Station, Sierra Club's predicted cost per year to keep Cooper Unit 1 operational, and predictions for Cooper Unit 1's fixed costs, which EKPC claimed could give market participants and competitors insights to the operating costs, resource investment calculations, anticipated load growth, and the impact to future revenue requirements and system average costs.

Having considered the motion and the material at issue, the Commission finds that EKPC's motion should be granted. The Commission finds that the designated material are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

MARCH 9, 2026 MOTION

EKPC amended the IRP on March 9, 2026, including redactions to fixed operations and maintenance costs. For the reasons discussed above, the Commission finds that EKPC's motion should be granted. The Commission finds that the designated material are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. EKPC's April 1, 2025, June 6, 2025, August 28, 2025, September 19, 2025, and March 9, 2026 motions for confidential treatment are granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years for IRP pages 93-110, 180, and 220; and amended IRP, page 93 or until further order of this Commission.
3. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period for IRP Section 11.0; EKPC's responses to Staff's Second Request, Items 5(e), 13, 32, 34, and 36; Attorney General's First Request, Items 8 and 15; Sierra Club's First Request, Items 1, 4, 7, 10, and 16; Staff's Third Request, Item 11; Attorney General's Second Request, Items 11, 12, and 13; and Sierra Club's Second Request, Item 1; redactions from its comments filed September 19, 2025 or until further order of this Commission.
4. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

5. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, EKPC shall inform the Commission and file with the Commission an unredacted copy of the designated material.

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

7. The Commission shall not make the requested material for which confidential treatment was granted available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow EKPC to seek a remedy afforded by law.

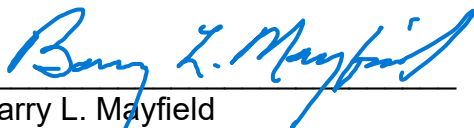
Entered on this 16th day of July, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2025-00087

* L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

* Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

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

* Heather Temple
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

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

* Joe F. Childers
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KY 40507

* John Horne
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Kristin Henry
Staff Attorney
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CA 94612

* Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Michael West
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Nathaniel Shoaff
Sierra Club
2101
Webster St. , Suite 1300
Oakland, CA 94612

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

* Toland Lacy
Office of the Attorney General
700 Capital Avenue
Frankfort, KY 40601