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March 20, 2009

Hon. David A. Smart  
P.O. Box 707  
Winchester, Kentucky 40392-0707

Re: East Kentucky Power Cooperative, Inc. - Petition for Confidential Treatment  
received November 20, 2008 - PSC Reference – Case No. 2008-00409

Dear Mr. Smart:

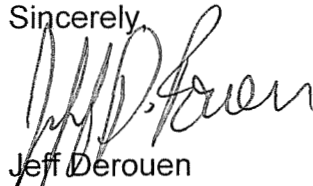
The Public Service Commission has received the Petition for Confidential Treatment you filed on November 20, 2008 on behalf of East Kentucky Power Cooperative, Inc. to protect certain information filed with the Commission as confidential under Section 7 of 807 KAR 5:001 and KRS 61.870 et. seq. The information you seek to have treated as confidential is identified as certain information contained in East Kentucky Power Cooperative, Inc.'s Response to Commission's First Data Request No. 45, and more particularly described as attorney-client privileged information in engagement letters with outside counsel and other legal professionals representing East Kentucky Power in ongoing litigation and regulatory matters.

Based on a review of the information and pursuant to KRS 61.878 and 807 KAR 5:001, section 7, the Commission has determined that the information you seek to keep confidential is of a proprietary nature, which if publicly disclosed would permit an unfair commercial advantage to your client's competitors. The Commission has also determined that the material is entitled to protection under the attorney-client privilege in KRE 503 and thus exempt from disclosure under the provisions of KRS 61.878(1)(l) as a public record the disclosure of which is prohibited or restricted by the statutes of the General Assembly. See Hahn v. University of Louisville, 80 S.W.3d 771 (2002). Therefore, the information requested to be treated as confidential meets the criteria for confidential protection and will be maintained as a nonpublic part of the Commission's file in this case. The procedure for usage of confidential materials during formal proceedings may be found at Section 7(8) of 807 KAR 5:001.

If the information becomes publically available or no longer warrants confidential treatment, East Kentucky Power Cooperative, Inc. is required by Section 8(9)(a) of 807

KAR 5:001 to inform the Commission so that the information may be placed in the public record.

Sincerely,



Jeff Derouen  
Executive Director

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cc: Parties of Record