

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. TO TRANSFER FUNCTIONAL)	CASE NO.
CONTROL OF CERTAIN TRANSMISSION)	2012-00169
FACILITIES TO PJM INTERCONNECTION, LLC)	

ORDER

This matter arises on petitions filed on May 31, 2013, June 2, 2014, July 31, 2015, and December 9, 2015, by East Kentucky Power Cooperative, Inc. (EKPC), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for a period of five years from the date of filing.

Each of the four petitions requests confidential treatment for EKPC's annual report regarding its participation in PJM Interconnection, LLC (PJM). The designated materials contain the actual and projected costs and benefits that result from EKPC's membership in PJM. In support of its petitions, EKPC states that public disclosure of the designated materials would result in competitive injury by revealing EKPC's proprietary projections regarding the PJM energy and capacity markets, and business decisions and strategies.

Having considered the petitions and the materials at issue, the Commission finds as follows:

1. In regard to the petition filed May 31, 2013, the period for which EKPC requested confidential treatment has run, and therefore the petition is denied as moot.

2. The designated materials described in the June 2, 2014, July 31, 2015, and December 9, 2015 petitions meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. EKPC's May 31, 2013 petition for confidential treatment is denied as moot.

2. EKPC's the June 2, 2014, July 31, 2015, and December 9, 2015 petitions for confidential protection are granted.

3. Within 30 days of the date of this Order, EKPC shall file revised pages reflecting as unredacted the designated materials subject to the May 31, 2013 petition that has been denied confidential treatment.

4. The designated materials in the May 31, 2013 petition for which confidential protection was denied shall not be placed in the public record for 30 days following the date of this Order to allow EKPC to seek any remedy afforded by law.

5. The designated materials in the June 2, 2014, July 31, 2015, and December 9, 2015 petitions shall not be placed in the public record or made available for public inspection for five years from the respective dates the petitions were filed, or until further Orders of this Commission.

6. Use of the designated materials in the June 2, 2014, July 31, 2015, and December 9, 2015 petitions in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

7. EKPC shall inform the Commission if the designated materials in the June 2, 2014, July 31, 2015, and December 9, 2015 petitions become publicly available or no longer qualify for confidential treatment.

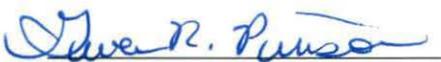
8. If a non-party to this proceeding requests to inspect the designated materials in the June 2, 2014, July 31, 2015, and December 9, 2015 petitions that were granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, EKPC shall have 30 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.

9. The Commission shall not make the designated materials in the June 2, 2014, July 31, 2015, and December 9, 2015 petitions available for inspection for 30 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



ATTEST:


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