

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On July 31, 2023, East Kentucky Power Cooperative, Inc. (EKPC) filed an annual report, as required by the Commission's December 20, 2012 Order, and a cover letter requesting, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, that the Commission grant confidential protection for five years for redacted portions of the report. The designated material contains EKPC's strategy for and results from energy trading and hedging practices in PJM International LLC (PJM), including transmission rights awarded, converted, and purchased; EKPC's hedging strategies; and actual and projected PJM membership costs and benefits.

In support of its request, EKPC argued that the redacted portions of the reports are exempt from disclosure under KRS 61.878(1)(c)(1), which prohibits public disclosure of material generally recognized as confidential or proprietary that if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the material. EKPC asserted that, given the nature of the traded energy market, EKPC would be materially damaged if its competitors were permitted to have access to the designated material.

Having considered the request and the material at issue, the Commission finds that EKPC's requests should be granted. This is because the redacted material consists of internal business strategies regarding hedging in the PJM market, and cost and benefit figures that are generally considered confidential and proprietary. If disclosed, competitors could use this information to unfairly compete with EKPC in the energy market. For these reasons, the Commission finds that the designated material are records that meet the criteria for confidential treatment and are 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 motion for confidential treatment is 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 five years or until further Order of this Commission.
3. 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).
4. EKPC shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. 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 30 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.

6. The Commission shall not make the requested material 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.

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PUBLIC SERVICE COMMISSION

Keith Bell
Chairman

*MPL
Sign
4/2/23*

Cecilia Hutton
Vice Chairman

Mary Pat Rogers
Commissioner

ENTERED
AUG 10 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

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