

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER	)	
COOPERATIVE, INC. FOR DEVIATION FROM	)	CASE NO.
OBLIGATION RESULTING FROM CASE NO. 2012-	)	2015-00358
00169	)	

ORDER

On January 14, 2016, East Kentucky Power Cooperative, Inc. (EKPC), filed a motion, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, requesting that its status report filed, pursuant to the Commission's November 30, 2015 Order in this matter, be afforded confidential treatment for ten years. The information is more particularly described as EKPC's actual and projected financial performance as a fully-integrated member of PJM Interconnection, LLC. EKPC states that the information contains materials that if publicly disclosed would likely result in competitive injury to EKPC, and therefore is generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

Having carefully considered the motion requesting confidential treatment and the materials at issue, the Commission finds that the designated materials contained in EKPC's status report meet the criteria for confidential protection as set forth in KRS 61.878(1)(c), and should not be placed in the public record for ten years.

IT IS THEREFORE ORDERED that:

1. EKPC's motion for confidential protection is granted.

2. The designated materials in EKPC's status report shall not be placed in the public record or made available for public inspection for ten years, or upon further Orders of this Commission.

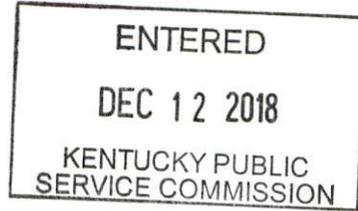
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. EKPC shall inform the Commission if the designated materials granted confidential protection become publicly available or no longer qualifies 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, 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 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



ATTEST:

  
Executive Director

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