

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST	)	
KENTUCKY POWER COOPERATIVE, INC. FOR A	)	
GENERAL ADJUSTMENT OF RATES, APPROVAL	)	CASE NO.
OF DEPRECIATION STUDY, AMORTIZATION OF	)	2025-00208
CERTAIN REGULATORY ASSETS, AND OTHER	)	
GENERAL RELIEF	)	

ORDER

On August 1, 2025, East Kentucky Power Cooperative, Inc. (EKPC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for specific portions of Exhibits 12 and 18 of the application.¹ Exhibit 12 contains the Direct Testimony of Anthony S. Campbell and Exhibit 18 contains the Direct Testimony of Thomas J. Stachnik.² In specific portions of Exhibit 12, Mr. Campbell discussed the dollar amount of savings EKPC has realized from its membership in PJM Interconnection LLC (PJM), which is also provided in EKPC's PJM annual reports filed in Case No. 2012-00169.³ In specific portions of Exhibit 18, Mr. Stachnik's testimony contained negotiated pricing information for fees that EKPC pays on its credit facilities.⁴

¹ EKPC's Motion for Confidential Treatment (Motion) (filed Aug. 1, 2025) at 1.

² EKPC's Motion at 1.

³ EKPC's Motion at 1.

⁴ EKPC's Motion at 1.

In support of its motion, EKPC argued that disclosure of the information would permit an unfair commercial advantage to third parties or present an unnecessary and unreasonable infringement upon EKPC's legitimate privacy concerns.⁵ EKPC also stated that the information consists of sensitive and proprietary information retained by EKPC on a "need-to-know" basis and is distributed within EKPC only to those employees who must have access for business reasons and is generally recognized as confidential and proprietary in the energy industry.⁶ Additionally, EKPC argued that if the information in Exhibit 18 was publicly released, it could cause competitive harm to EKPC and could place EKPC in a competitive disadvantage if the contract terms and pricing information were disclosed.⁷

Having considered the motion and the material at issue, the Commission finds that the specified portions of Exhibits 12 and 18 were confidentially filed, are generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records. Therefore, the records meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. EKPC's August 1, 2025 motion for confidential treatment is granted.

⁵ EKPC's Motion at 2.

⁶ EKPC's Motion at 3.

⁷ EKPC's Motion at 3.

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 an indefinite period 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. 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.

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 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.

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.

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



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