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 OF DEPRECIATION STUDY, AMORTIZATION OF CERTAIN REGULATORY ASSETS, AND OTHER GENERAL RELIEF	))))))	CASE NO. 2025-00208

O R D E R

On August 22, 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 protection for an indefinite period for certain responses to EKPC's response to Commission Staff's First Request for Information (Staff's First Request).

In support of its motion, EKPC argued for the application of KRS 61.878(1)(c)(1), which provides an exception to the requirement for public disclosure for records that 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," and KRS 61.878(1)(a), which exempts from disclosure "[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy."

Having considered the motion and the material at issue, the Commission finds that EKPC's motion should be granted in part and denied in part. The Commission finds that the designated material contained in EKPC's Response to Staff's First Request,

Item 1(b), Attachment, which contained the benefits of joining PJM Interconnection LLC; Item 17, Attachment, which contained wage and salary studies; Item 20, Attachment, which contained Board policies related to the authority of the Chief Executive Officer; Items 27(a) and 27(f), Attachments, which contained EKPC's compensation policy and merit increases; Item 35(a), which contained an engagement letter with a third party that assisted on the rate case filings; and Item 45, Attachment, which contained the Board policies related to professional services, contracts, and engagement letters for outside professional services are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

The Commission also finds that the designated material contained in EKPC's Response to Staff's First Request, Item 38, which contained salary of the Director of Government and Legislative Relations; and Item 43 which contained home addresses of Board members are records that meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to KRS 61.878(1)(a) and 807 KAR 5:001, Section 13.

The Commission further finds that the request for confidential treatment should be denied for EKPC's Response to Staff's First Request, Item 19, which contained general and merit wage increases. The Commission has previously held that general and merit wage increases are not entitled to confidential protection because this information did not contain employee specific wage information.[1] Therefore, EKPC's Response to Staff's

[1] *See* Case No. 2023-00147, *Electronic Application of Taylor County Rural Electric Cooperative Corporation for a General Adjustment of Rates* (Ky. PSC Oct. 20, 2023), Order at 3-4.

First Request, Item 19, does not meet the criteria for confidential treatment and should not be 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 August 22, 2025 motion for confidential treatment is granted in part and denied in part.

2. EKPC's August 22, 2025 motion for confidential treatment for EKPC's Response to Staff's First Request, Items 1(b) Attachment, 17, 20, 27(a), 27(f), 35(a), 38, 43, and 45 is granted.

3. EKPC's August 22, 2025 motion for confidential treatment for EKPC's Response to Staff's First Request, Item 19, is denied.

4. 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.

5. 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).

6. 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.

7. 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, 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.

8. The Commission shall not make the requested material for which confidential treatment was granted 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.

9. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

10. If EKPC objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials shall be granted confidential treatment.

11. Within 30 days of the date of service of this Order, EKPC shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

12. The designated material for which EKPC's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow EKPC to seek a remedy afforded by law.

Entered on this 6th day of November, 2026.

PUBLIC SERVICE COMMISSION

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Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:

Justin McNeil RP

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Executive Director

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