

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

2012 INTEGRATED RESOURCE PLAN OF EAST) CASE NO. 2012-00149
KENTUCKY POWER COOPERATIVE, INC.)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On August 10, 2012, East Kentucky Power Cooperative, Inc. (“Movant”) moved pursuant to 807 KAR 5:001, Section 13,¹ that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the materials in question – Movant’s industrial load projections and projections of future rates for Movant and Movant’s member cooperatives – are records generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public inspection pursuant to KRS 61.878(1)(c)(1).

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment are records generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

¹ Movant made its motion pursuant 807 KAR 5:001, Section 7. Since the filing of this motion, the Commission has promulgated revisions to 807 KAR 5:001. The section of the Commission’s Rules of Procedure pertaining to confidential treatment of records is now found at Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection until January 1, 2031 at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted.²

2. The materials for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection until January 1, 2031. At the end of this period, the material shall be placed in the public record. The Movant may request that the material continue to be treated as confidential but must demonstrate that the material still falls within the exclusions established in KRS 61.878.

3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, 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 the period for which the material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the material in question after the end of the period set forth in ordering paragraph 2.

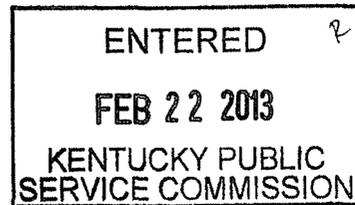
4. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

² The Commission notes that Movant provided the material in question on a CD-ROM, but failed to provide a paper copy as required by the Commission's Rules of Procedure or to request a deviation from the requirement for the submission of a paper copy. We place Movant on notice that any future failure to provide such copy or request a deviation will result in the rejection of its filing.

5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. 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, the Movant 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 Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission



ATTEST



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