

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

2019 INTEGRATED RESOURCE PLAN OF EAST	) CASE NO.
KENTUCKY POWER COOPERATIVE, INC.	) 2019-00096

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now East Kentucky Power Cooperative, Inc. (“EKPC”), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and for its motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to a portion of the Responses to Post-Hearing Data Requests propounded by the Attorney General (“AG”), dated August 24, 2020, with regard to EKPC’s 2019 Integrated Resource Plan, respectfully states as follows:

1. EKPC is filing its Responses to Post-Hearing Data Requests from the AG contemporaneously herewith. The Response to Item 2 contains EKPC’s Owner Member End-Use Survey Report.

2. The information described above is designated as the “Confidential Information” for which protection is sought under KRS 61.878 and other applicable law. Disclosure of the Confidential Information would permit an unfair commercial advantage to third parties to the detriment of EKPC, its Owner-Members and their end-use retail members. If disclosed, the Confidential Information would also give market participants and competitors insights into the methods used by EKPC to understand household electric use and the methods used to model member choice of appliances and heating fuels. The Customer Survey represents a significant

investment in research to understand key characteristics or EKPC's Owner-Member's End-Use Customers and this information would be very valuable to third-parties who would exploit it for their own commercial gain.

3. The Kentucky Open Records Act, and specifically KRS 61.878(1)(c)(1), protects "records confidentially disclosed to an agency or required by an agency to be disclosed to it, 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." Moreover, the Kentucky Supreme Court has stated, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). If disclosed, the Confidential Information within the Post-Hearing Data Request Response would give market participants and competitors insights into the strategies of EKPC. In addition, Accordingly, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

4. The Confidential Information consists of proprietary information that is retained by EKPC on a "need-to-know" basis. The Confidential Information 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.

5. EKPC does not object to limited disclosure of the Confidential Information, pursuant to an acceptable confidentiality and nondisclosure agreement, to intervenors with a legitimate interest in reviewing same for the sole purpose of participating in this case. EKPC reserves the right to object to providing the Confidential Information to any intervenor if said

provision could result in liability or competitive harm to EKPC under any Confidentiality Agreement, Non-Disclosure Agreement or other obligation.

6. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC is filing separately under seal one (1) unredacted copy of the Confidential Information highlighted or otherwise appropriately denoted.

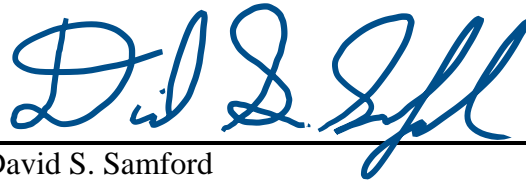
7. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC respectfully requests that the Confidential Information identified in Paragraph 1. above be withheld from public disclosure for ten (10) years.

8. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, EKPC will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, EKPC respectfully requests that the Commission classify and protect as confidential the Confidential Information described herein and as set forth above.

This 1<sup>st</sup> day of September 2020.

Respectfully submitted,



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*Counsel for East Kentucky Power Cooperative, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing was transmitted to the Commission on September 1, 2020; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that a copy of the filing in paper medium will be filed with the Commission within thirty days of the current state of emergency for COVID-19 is lifted.

  
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*Counsel for East Kentucky Power Cooperative, Inc.*

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

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<b>KENTUCKY POWER COOPERATIVE, INC.</b>	<b>) 2019-00096</b>

**RESPONSES TO ATTORNEY GENERAL'S POST HEARING DATA**  
**REQUESTS TO EAST KENTUCKY POWER COOPERATIVE, INC.**  
**DATED AUGUST 24, 2020**

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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KENTUCKY POWER COOPERATIVE, INC. ) 2019-00096


CERTIFICATE

STATE OF KENTUCKY )  
 )  
COUNTY OF CLARK )

Julia J. Tucker, being duly sworn, states that she has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Attorney General’s Post Hearing Data Requests in the above-referenced case dated August 24, 2020, and that the matters and things set forth therein are true and accurate to the best of her knowledge, information and belief, formed after reasonable inquiry.



Subscribed and sworn before me on this 3<sup>rd</sup> day of September, 2020.



Notary Public - #590567  
Commission expires - 11/30/2021

**EAST KENTUCKY POWER COOPERATIVE, INC.**

**PSC CASE NO. 2019-00096**

**AG'S POST HEARING DATA REQUESTS DATED 08/24/2020**

East Kentucky Power Cooperative, Inc. ("EKPC") hereby submits responses to the information requests of Attorney General ("AG") in this case dated August 24, 2020. Each response with its associated supportive reference materials is individually tabbed.

**EAST KENTUCKY POWER COOPERATIVE, INC.  
PSC CASE NO. 2019-00096  
FIRST REQUEST FOR INFORMATION RESPONSE**

**ATTORNEY GENERAL'S POST HEARING REQUEST DATED 08/24/2020  
REQUEST 1**

**RESPONSIBLE PERSON: Julia J. Tucker**

**COMPANY: East Kentucky Power Cooperative, Inc.**

**Request 1.** Based on the Company's response to AG 2-1, can the Company confirm that its owner-members do not keep track of sales to individual large customers, including coal mining companies?

**Response 1.** Owner-members have individual billing data for each of their customers. They do not aggregate that data into industry type categories. EKPC specifically asked five owner-members that might be expected to have coal mining customers if they maintained that data in a separate manner and none of them responded yes. The owner-members provide load data to EKPC and all of their reporting agencies based upon the approved customer classes that are reported on RUS Form 7, Part O, as described in Response 2c. of the AG's First Request for Information. EKPC does not maintain any specific customer sales / billing data, that information is retained at each individual owner-member's office.



**EAST KENTUCKY POWER COOPERATIVE, INC.  
PSC CASE NO. 2019-00096  
FIRST REQUEST FOR INFORMATION RESPONSE**

**ATTORNEY GENERAL'S POST HEARING REQUEST DATED 08/24/2020  
REQUEST 2**

**RESPONSIBLE PERSON: Julia J. Tucker**

**COMPANY: East Kentucky Power Cooperative, Inc.**

**Request 2.** Regarding the response to AG 2-7, provide a copy of the survey of residential customers, and any reports or memoranda based on that survey, once the Company has finalized the survey.

**Response 2.** The 2020 Owner Member End-Use Survey Report is provided on pages 2 through 83 of this response, which is subject to a request for confidential treatment.