

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

MOTION FOR CONFIDENTIAL TREATMENT

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 presentation offered by EKPC in the course of an informal conference held on July 27, 2020, respectfully states as follows:

1. By Notice dated June 19, 2020, the Commission scheduled an informal conference for the purpose of better understanding certain aspects of EKPC’s fuel procurement process and supply-side modeling process.
2. Said informal conference was held via a video conference on July 27, 2020. In the course of the informal conference, EKPC gave a presentation concerning its RTSim supply-side modeling program. The presentation is confidential and proprietary.
3. Staff requested that a copy of EKPC’s modeling presentation be submitted so that it may be included in the administrative record and EKPC agreed to do so provided that the presentation remain confidential and unavailable to the public or others who have not signed a

confidentiality agreement to allow access to such confidential records for the sole purpose of participating in this proceeding.

4. The presentation 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 EKPC’s modeling process, data input sources, resource optimization strategies, maintenance scheduling analysis and emissions optimization.

5. 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 Data Request Responses would give market participants and competitors insights into some of EKPC’s most critical and closely held operational strategies and resource commitment planning assumptions. In addition, Accordingly, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

6. 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.

7. 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.

8. 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.

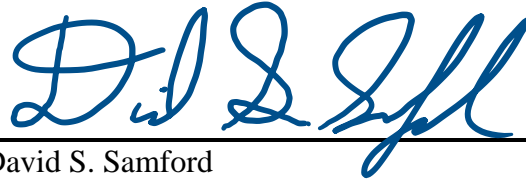
9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC respectfully requests that the Confidential Information be withheld from public disclosure indefinitely.

10. 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 28th day of July 2020.

Respectfully submitted,



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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 July 28, 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.



Counsel for East Kentucky Power Cooperative, Inc.