

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF EAST)	
KENTUCKY POWER COOPERATIVE, INC.)	
AND ITS MEMBER DISTRIBUTION)	CASE NO.
COOPERATIVES FOR APPROVAL OF)	2021-00198
PROPOSED CHANGES TO THEIR QUALIFIED)	
COGENERATION AND SMALL POWER)	
PRODUCTION FACILITES TARIFFS)	

EAST KENTUCKY POWER COOPERATIVE, INC.’S
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 certain information filed in its Responses to Commission Staff’s Third Request for Information (“Third Requests”) in the above-captioned proceeding, respectfully states as follows:

1. The Commission issued the Order establishing this proceeding on May 24, 2021.
2. On September 15, 2021 Commission Staff issued its Third Requests to EKPC.
3. EKPC is providing forecasted operation and maintenance expenses in response to certain of those Third Requests for which EKPC is seeking confidential treatment. Specifically, EKPC is requesting confidential treatment for the forecasted fixed operation and maintenance expenses for EKPC’s generation fleet for the next five

years provided in response to Request No. 2. This information is hereinafter referred to as the “Confidential Information.”

Request No. 2 of the Third Requests states as follows:

For each unit in EKPC’s generation fleet, provide the forecasted fixed operation and maintenance expenses for the next five years on a \$/kW year basis.

4. In its response to Request No. 2 EKPC is filing forecasted information regarding the operations and maintenance expense for each unit in its generation fleet. This information is highly sensitive and proprietary information. This is forecasted information that is not publicly available. Furthermore, this information is current estimates of EKPC and not the final forecasted expenses that will be included in EKPC’s next Integrated Resource Plan filing.

5. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC is filing one copy of the Confidential Information separately under seal. The filing of the Confidential Information is noted in the public version of EKPC’s responses and the Confidential Information is so sensitive that confidential treatment should be afforded for the entire Excel file.

6. The Confidential Information is retained by EKPC on a “need-to-know” basis and is not publicly available. The Confidential Information is forecasted estimates that contain information regarding EKPC’s operations and maintenance expenses for its generation fleet.

7. The Kentucky Open Records Act exempts the Confidential Information from public disclosure. *See* KRS 61.878(1). 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). Because the Confidential Information is critical to EKPC's effective execution of business decisions and strategy, it satisfies both the statutory and common law standards for being afforded confidential treatment.

8. EKPC does not object to limited disclosure of the Confidential Information, pursuant to an acceptable confidentiality and nondisclosure agreement.

9. In accordance with the provisions of 807 KAR 5:001, Section 13(3), EKPC respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years.

WHEREFORE, on the basis of the foregoing, EKPC respectfully requests the Commission to enter an Order granting this Motion for Confidential Treatment and to so afford such protection from public disclosure to the unredacted copies of Confidential Information, which is filed herewith under seal, for the period set forth herein.

This 23rd day of September, 2021.

Respectfully submitted,

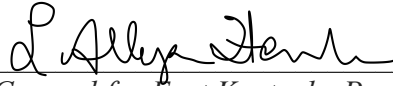


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CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, this is to certify that the electronically filed documents are true and accurate copies of the same documents being filed; that the electronic filing has been transmitted to the Commission on September 23, 2021; that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means; and that no paper copy of this filing will be delivered to the Commission.



*Counsel for East Kentucky Power
Cooperative, Inc.*