

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

**ELECTRONIC APPLICATION OF EAST)
KENTUCKY POWER COOPERATIVE, INC.)
FOR A (1) CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY FOR)
THE CONSTRUCTION OF TRANSMISSION)
FACILITIES IN MADISON COUNTY)
KENTUCKY; (2) DECLARATORY ORDER)
CONFIRMING THAT A CERTIFICATE)
OF PUBLIC CONVENIENCE AND)
NECESSITY IS NOT REQUIRED FOR)
CERTAIN FACILITIES)**

CASE NO.
2022-00314

MOTION FOR CONFIDENTIAL TREATMENT

Comes now, East Kentucky Power Cooperative, Inc. (“EKPC” or the “Company”), by 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 responses and related attachments of EKPC to Commission Staff’s Initial Request for Information (“Staff’s First Request”) filed in the above-captioned proceeding, respectfully states as follows:

1. Contemporaneously with this Motion, EKPC has filed responses to Staff’s First Request which contain confidential, sensitive and proprietary information.

2. Specifically, EKPC has provided, as attachments to its responses to Staff’s First Request No. 4b., certain documents that contain itemized breakdowns for the planning level cost estimates for the various elements of the project. If EKPC is granted permission to construct the project, EKPC will need to conduct a request for proposal (“RFP”) for the

construction of the project. In addition to the itemized cost estimates, EKPC has provided in its response to Commission Staff's Request No. 4c. a range of the planning level estimates for the New Industrial Substation along with a table providing a summary of the planning level estimates by RUS plant account and the associated depreciation rate. The items are referred to herein collectively as the "Confidential Information."

3. KRS 61.878(1)(c) 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." KRS 61.878(1)(c)(1); 807 KAR 5:001 8 Section 13(2)(a)(1). EKPC operates in a competitive environment in the wholesale power market and in the credit market. The Confidential Information is generally recognized as confidential or proprietary and public disclosure of the Confidential Information would permit an unfair commercial advantage to EKPC's competitors. *See* KRS 61.878(1)(c).

4. The Confidential Information consists of information regarding planning-level cost estimates on a project, that if approved, will have to have an RFP conducted. Disclosure of the Confidential Information will offer an unfair advantage to potential bidders of the RFP issued by EKPC for the project. The Confidential Information provides detailed information regarding EKPC's estimated costs for each element of the project which if released publicly could offer invaluable insight to third-party bidders as to EKPC's estimated costs, to the detriment of EKPC and its owner-members.

5. The Confidential Information is proprietary information that is retained by EKPC on a "need-to-know" basis and that is not publicly available. 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.

6. EKPC does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable confidentiality and nondisclosure agreement, to intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

7. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC is filing one (1) copy of the unredacted Application and exhibits separately under seal with the Confidential Information highlighted or otherwise denoted. Please note that the itemized planning level cost estimates are not being filed in the public record as EKPC is requesting confidential treatment of the entire documents.

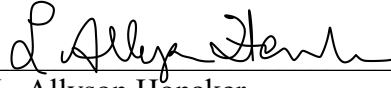
8. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years.

9. 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 specific Confidential Information described herein for a period of ten years.

This 22nd day of November, 2022.

Respectfully submitted,



L. Allyson Honaker
Brittany H. Koenig
HONAKER LAW OFFICE, PLLC
1795 Alysheba Way, Suite 6202
Lexington, KY 40509
(859) 368-8803
allyson@hloky.com
brittany@hloky.com

Counsel for East Kentucky Power Cooperative, Inc.

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on November 22, 2022; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to prior Commission Orders, no paper copies of this filing will be made.



Counsel, East Kentucky Power Cooperative, Inc.