

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC TARIFF FILING OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. TO)	CASE NO.
IMPLEMENT A RESIDENTIAL ELECTRIC)	2022-00439
VEHICLE OFF-PEAK CHARGING PILOT PROGRAM)	

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 documents filed in response to certain requests for information in the above-captioned proceeding, respectfully states as follows:

1. The Commission issued its Order establishing this case on January 26, 2023 and propounded data requests on February 9, 2023.
2. Request Nos. 8a and 8c from the February 9th request for information states as follows:
 8. Refer to the Cost-Benefit Analysis.
 - a. Provide all worksheets in Excel spreadsheet format with all formulas, columns, and rows unprotected and fully accessible.
 - c. Provide the avoided energy and capacity values used to determine the cost effectiveness of the program.
3. In its response to Request Nos. 8a and 8c, EKPC is providing the requested information in Excel spreadsheet format.

4. The information and documents tendered by EKPC in response to Requests Nos. 8a and 8c are being tendered only in unredacted form filed under seal herewith since EKPC is requesting confidential protection of the entire Excel spreadsheets. Collectively, this information and these documents are hereinafter referred to as the “Confidential Information.”

5. The Confidential Information is exempt from disclosure pursuant to KRS 61.878(1)(c). The Confidential Information contains information for the DSMore program utilized by EKPC to develop its forward pricing information that was used to calculate avoided energy and capacity costs and other aspects of the EV Pilot Program. Disclosure of this information would result in commercial harm to EKPC and its owner-members since this information could be used by EKPC’s competitors to devise competitive bidding strategies that would impair EKPC’s ability to compete and could result in higher costs for EKPC and its owner-members. This information is commercially sensitive and proprietary.

6. The Confidential Information was developed by EKPC internally and is retained by EKPC on a “need-to-know” basis and is not publicly available. If disclosed, the Confidential Information would injure EKPC’s competitive position and business interest. These business injuries would likely translate into higher costs for EKPC and, by extension, detrimentally higher rates for EKPC’s owner-members. Thus, disclosure of the Confidential Information would be highly prejudicial to EKPC, EKPC’s owner-members.

7. EKPC acknowledges that the Excel spreadsheet provided in Response 8a contains the tabs – “Assumptions” and “Summary” which were included in pdf form as Exhibit C to the initial tariff filing in this proceeding. Although the information was provided in pdf format, EKPC is still requesting confidential treatment of the Excel versions of these two tabs. The information contained in the Excel versions of these tabs relates back to confidential information contained in

the other tabs provided in the spreadsheet. In order to keep all formulas, rows, columns, etc., intact, EKPC cannot hard code the information contained in the cells of the “Assumptions” and “Summary” tabs. EKPC is therefore requesting confidential protection for the Excel spreadsheet versions of this information.

8. The Kentucky Open Records Act exempts the Confidential Information from public disclosure. *See* KRS 61.878(1)(c). As set forth above, disclosure of the Confidential Information would permit an unfair advantage to third parties. 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.

9. 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 the same for the sole purpose of participating in this case.

10. EKPC is requesting confidential treatment for the entirety of the Excel spreadsheets being provided and therefore a redacted copy of the information is not being provided in the public record of the proceeding. In addition, the Excel spreadsheets that are being filed under seal do not contain highlighted information because the entirety of the Excel spreadsheet is being requested to be treated as confidential.

11. 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 twenty years. This will assure that the Confidential Information – if disclosed after that

time – will be less likely to include information that continues to be commercially sensitive so as to impair the interests of EKPC if publicly disclosed. However, EKPC reserves the right to seek an extension of the grant of confidential treatment if it is necessary to do so at that time.

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 a period of twenty years from the date of entry of such an Order.

This 1st day of March, 2023.

Respectfully submitted,

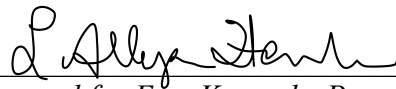


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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on March 1, 2023 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission’s July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.



Counsel for East Kentucky Power Cooperative, Inc.