

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE INC. FOR)	
APPROVAL TO AMEND ITS ENVIROMENTAL)	CASE NO.
COMPLIANCE PLAN AND RECOVER COSTS)	2023-00177
PURSUANT TO ITS ENVIROMENTAL)	
SURCHARGE, AND FOR ISSUANCE OF)	
CERTIFICATES OF PUBLIC CONVENIENCE)	
AND NECESSITY AND OTHER RELIEF)	

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 portion of its responses to Commission Staff’s Second Request for Information, and respectfully states as follows:

1. EKPC filed its Application in this matter on June 30, 2023. The Commission issued a deficiency letter on July 10, 2023 and a deficiency cured letter on that same day. The Commission then issued an Order on July 21, 2023, reinstating the same deficiency from its deficiency letter and deficiency cured letter from July 10, 2023. The Commission finally issued a deficiency cured letter on July 24, 2023 accepting EKPC’s Application for filing.
2. Commission Staff issued its Second data requests on September 11, 2023 and EKPC is filing its responses contemporaneously with this motion.

3. Commission Staff's Second Request for Information ("Staff's Second Request")

Item No. 5 states as follows:

5. Refer to the Application, page 16, "[t]he anticipated cost for the CFI Closure in Place project is \$47.2 million". Provide breakdown of the cost estimate and any supporting documentation.

4. In response to Staff's Second Request Item No. 5, EKPC is providing a detailed cost estimate for the CFI Closure in Place Projection. Collectively, the information described above is designated as the "Confidential Information" for which protection is sought under KRS 61.878. Disclosure of the Confidential Information would permit an unfair commercial advantage to third parties who may bid on a request for proposal if one is issued by EKPC or present an unnecessary and unreasonable infringement upon EKPC's legitimate privacy concerns.

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."

6. The Confidential Information consists of sensitive and 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 to EKPC under any Confidentiality Agreement or Non-Disclosure Agreement.

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. EKPC is requesting confidential treatment of the entire documents and therefore the copy filed under seal does not contain any highlights. EKPC is also not filing a redacted copy for this reason.

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 for ten (10) years.

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 for a period of ten (10) years.

This 26th day of September, 2023.

Respectfully submitted,

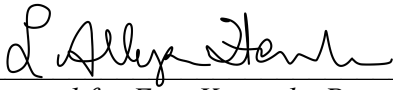


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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on September 26, 2023 and that there are no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to prior Commission Orders, no paper copies of this filing will be made.



Counsel for East Kentucky Power Cooperative, Inc.