

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**ELECTRONIC APPLICATION OF EAST )  
KENTUCKY POWER COOPERATIVE, INC. )  
FOR CERTIFICATES OF PUBLIC )  
CONVENIENCE AND NECESSITY AND )  
SITE COMPATABILITY CERTIFICATES )  
FOR THE CONSTRUCTION OF A 96 MW )  
(NOMINAL) SOLAR FACILITY IN MARION )  
COUNTY, KENTUCKY AND A 40 MW )  
(NOMINAL) SOLAR FACILITY IN FAYETTE )  
COUNTY, KENTUCKY AND APPROVAL OF )  
CERTAIN ASSUMPTION OF EVIDENCES )  
OF INDEBTEDNESS RELATED TO THE )  
SOLAR FACILITIES AND OTHER RELIEF )**

**CASE NO.  
2024-00129**

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**MOTION FOR CONFIDENTIAL TREATMENT**

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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 items contained in its responses to certain data requests, and respectfully states as follows:

1. EKPC is filing contemporaneously with this motion, its responses to Lexington-Fayette Urban County Government’s (“LFUCG”) First Request for Information (“LFUCG’s First Request”).

2. Request No. 37b requests as follows:

Break down the “Construction Labor” cost of \$38,194,975 into accounts sufficient to demonstrate solar versus other costs.

3. In response to Request No. 37b, EKPC is providing an Excel spreadsheet that shows the breakdown of the construction labor costs.

4. Request No. 43 requests as follows:

Reference Exhibit 4, Pre-filed Direct testimony of Thomas J. Stachnik, page 4, lines 10-12. Please provide the Asset Purchase Agreement for Bluegrass Plains Solar Project as referenced by the witness.

5. In response to Request No. 43, EKPC is providing a copy of the Asset Purchase Agreement for Bluegrass Plains Solar Project.

6. Request No. 46 requests as follows:

Reference Exhibit 3, Attachment PB-1, “East Kentucky Power Cooperative NRCO 2021- Solar Proposal Revised – May 2023,” page 9 of 70, “Bluegrass Solar has 388 acres of available land located in an agriculture rural zone. Two Memorandums of Option were signed with the landowners in 2018.” Please provide copies of the memorandums.

7. In response to Request No. 46, EKPC is providing the Amended and Restated Purchase Option.

8. The information is herein collectively referred to 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 or present an unnecessary and unreasonable infringement upon EKPC’s legitimate privacy concerns. The Confidential Information includes detailed cost estimates and information regarding the asset purchase and options that are contingent upon approval of the CPCN application. This information if publicly disclosed could harm future negotiations and result in higher costs to EKPC, its owner-members and ultimately their end-use members.

9. 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.” EKPC operates in a competitive environment. The Confidential Information is generally recognized as confidential and proprietary and public disclosure of the Confidential Information would permit an unfair commercial advantage to EKPC’s competitors.

10. The Confidential Information consists of information regarding specific labor cost estimates, purchase options and the purchase of assets for the project. EKPC is still developing other projects and the public release of this information could hinder EKPC’s ability to negotiate favorable commercial terms with other developers. This could result in harm to EKPC, its owner-members and ultimately the owner-members’ end-use members.

11. 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.

12. 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.

13. 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.

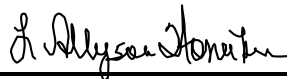
14. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years.

15. 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 12<sup>th</sup> day of June 2024.

Respectfully submitted,



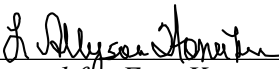
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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing was transmitted to the Commission on June 12, 2024 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.

  
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*Counsel for East Kentucky Power Cooperative, Inc.*