

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC.)	
FOR AN AMENDMENT TO ITS)	
CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY FOR)	2024-00263
THE CONSTRUCTION OF TRANSMISSION)	
FACILITIES IN MADISON COUNTY)	
KENTUCKY)	

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 the attachments entitled, DR1-3, DR1-4A, and DR1-4B, to its responses to Commission’s First Request for Information, and respectfully states as follows:

1. EKPC’s Application for an Amendment to its Certificate of Public Convenience and Necessity (“CPCN”) for the construction of transmission facilities in Madison County Kentucky was deemed filed on September 30, 2024, after EKPC filed materials to cure deficiencies identified by Commission Staff.

2. As part of its Responses to Commission Staff’s First Request for Information filed on October 22, 2024, EKPC is tendering Attachment DR1-3 in response to Request 4a, a property option contract containing confidential material related to real estate transactions with references to contractual and financial terms that are generally recognized as confidential information for

filing under seal of confidential treatment. EKPC is also tendering Attachments DR1-4A and DR1-4B in response Request 5 that contain financial estimates for pricing and costs that are not final and the disclosure of said information would permit an unfair commercial advantage to third parties and competitors in EKPC's industry.

3. EKPC is tendering the confidential material for filing under seal of confidential treatment.

4. The information described above is 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.

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." 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.

6. The Confidential Information also 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.

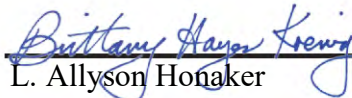
9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years.

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 1st day of November 2024.

Respectfully submitted,

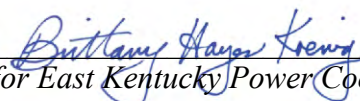


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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on November 1, 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.



Counsel for East Kentucky Power Cooperative, Inc.