

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

**In the Matter of:**

<b>THE ELECTRONIC APPLICATION OF</b>	)	
<b>EAST KENTUCKY POWER COOPERATIVE,</b>	)	
<b>INC. FOR 1) A CERTIFICATE OF PUBLIC</b>	)	<b>CASE NO.</b>
<b>CONVENIENCE AND NECESSITY TO</b>	)	<b>2024- 00310</b>
<b>CONSTRUCT A NEW GENERATION</b>	)	
<b>RESOURCE; 2) A SITE COMPATIBILITY</b>	)	
<b>CERTIFICATE; AND 3) OTHER GENERAL RELIEF</b>	)	

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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 a portion of its Application, and respectfully states as follows:

1. EKPC is filing this motion contemporaneously with its Application for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a new generation resource and for a Site Compatibility Certificate for the project.

2. In support of these requests EKPC is providing numerous exhibits and attachments. These include Exhibit 3 the Direct Testimony of Julia Tucker (Tucker Direct Testimony), Attachment JJT-2 and Exhibit 4 the Direct Testimony of Brad Young (Young Direct Testimony), Attachment BY-1, Section 7 and Appendix R to the Project Scoping Report. These items are referred to herein collectively as the “Confidential Information” for which protection is sought under KRS 61.878(1)(a) and KRS 61.878(1)(c)(1). 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.

3. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure, including KRS 61.878(1)(a); KRS 61.878(1)(c)(1); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky. App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). As stated above, the public disclosure of the Confidential Information would potentially harm EKPC's competitive position in the marketplace which would be to the detriment of EKPC. Additionally, the Confidential Information is publicly unavailable, and its confidentiality is critical to EKPC's effective execution of business decisions and strategy. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

4. The Confidential Information in the Tucker Direct Testimony, Attachment JJT-2 contains historical demand of a customer. The demand of a customer is considered personal and if disclosed would be an invasion of privacy pursuant to KRS 61.878. Additionally, if the Confidential Information is disclosed it could give competitors an unfair commercial advantage by having knowledge of the demand of a large industrial customer on EKPC's system.

5. The Confidential Information in the Young Direct Testimony, Attachment BY-1, Section 7 and Appendix R contains cost estimates for the project. If these cost estimates are disclosed, it could place EKPC at a competitive disadvantage because other parties would know what EKPC is prepared to pay for the materials to construct the new generation resource and raise prices which would result in EKPC having to pay a higher cost for the products which would cause harm to EKPC and its members.

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. In the public record, EKPC is filing a copy of the documents in redacted form.

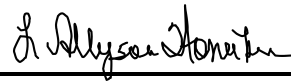
9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC respectfully requests that the Confidential Information be withheld from public disclosure for an indefinite period.

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 an indefinite period.

This 20<sup>th</sup> day of September 2024.

Respectfully submitted,



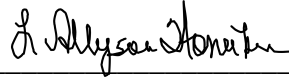
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L. Allyson Honaker  
Brittany Hayes Koenig  
Heather S. Temple  
HONAKER LAW OFFICE, PLLC  
1795 Alysheba Way, Suite 1203  
Lexington, KY 40509  
(859) 368-8803  
allyson@hloky.com  
brittany@hloky.com  
heather@hloky.com

*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 September 20, 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.*