

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

In the Matter of:

AN APPLICATION OF EAST KENTUCKY POWER	)	
COOPERATIVE, INC. FOR APPROVAL OF THE	)	
AUTHORITY TO ISSUE UP TO \$450,000,000 OF	)	
SECURED OR UNSECURED PRIVATE PLACEMENT	)	Case No. 2025-00044
OR BANK/FINANCIAL INSTITUTION DEBT	)	
OBLIGATIONS	)	

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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 certain information filed in EKPC’s compliance filing that is being filed contemporaneously with the motion.

1. On February 25, 2025, EKPC filed an application for approval of the authority to issue debt obligations. The application was deemed filed on March 5, 2025.

2. EKPC responded to one round of discovery from Commission Staff on March 28, 2025 and the Commission issued its final order approving EKPC’s Application on April 29, 2025. As part of the Commission’s Final Order, EKPC was ordered to make a compliance filing withing thirty days of the closing on the term loan.

3. EKPC is filing its compliance filing required by the Commission in its April 29, 2025 Order contemporaneously with this motion. The compliance filing contains negotiated pricing information for fees that EKPC will pay on this debt instrument. The information provided in the compliance filing is referred to herein collectively as the “Confidential Information” for

which protection is sought under 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.

4. 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.

5. In the compliance filing, EKPC is providing the dollar amount of fees EKPC has negotiated with financial institutions for its debt instrument. EKPC is requesting confidential treatment of these amounts pursuant to KRS 61.878(1)(c)(1) because these fees are contract terms and pricing information that was the result of an arm's length negotiation. If these amounts are publicly released, it can cause competitive harm to EKPC as they negotiate these same types of agreements with other financial institutions. In addition, release of this information could also place EKPC in a competitive disadvantage if the contract terms and pricing information were disclosed. Other financial institutions would learn the negotiated prices and would be able to use the information to the detriment of EKPC in future negotiations.

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 each of the attachments which contains highlights for the confidential information. EKPC is noting in the public version of the filing with redactions, all of the confidential information.

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 the 15<sup>th</sup> day of August, 2025.

Respectfully Submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing was transmitted to the Commission on August 15, 2025, 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.*