

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

**In the Matter of:**

<b>THE ELECTRONIC INTEGRATED RESOURCE</b>	<b>)</b>	<b>CASE NO.</b>
<b>PLAN OF EAST KENTUCKY POWER</b>	<b>)</b>	<b>2025-00087</b>
<b>COOPERATIVE, INC.</b>	<b>)</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 certain information filed as responses to Commission Staff’s Second Request for Information (“Staff’s Second Request”), Attorney General’s First Information Request (“Attorney Generals First Request”) and Sierra Club’s Initial Information Request (“Sierra Club’s First Request”).

1. On April 1, 2025, EKPC filed its 2025 Integrated Resource Plan (“IRP”) On May 15, 2025, the Attorney General’s First Request was issued, and on May 16, 2025, Staff’s Second Request and Sierra Club’s First Request were issued. EKPC is filing the responses to all requests contemporaneously herewith.

2. The requests included several items which involve the discussion or identification of information that is confidential and proprietary. The responses for which EKPC is requesting confidential treatment are listed below.

- Staff’s Second Request, Items 5(e) – the response contains information regarding requests for proposals for different solar projects.
- Staff’s Second Request, Item 13 – the response contains residential customer growth rate and economic growth rate for the regions in EKPC’s service territory.
- Staff’s Second Request, Item 32 – the response contains a third-party study related to electric vehicle growth.
- Staff’s Second Request, Item 34 – containing a third-party study related to residential appliance saturation and electric vehicle data.
- Staff’s Second Request, Item 36 – the response contains maps of transmission constraints near EKPC’s yet to be constructed Liberty RICE facility.
- The Attorney General’s First Request, Item 8 – the response contains monetary savings and penalties from PJM Interconnection, LLC (“PJM”).
- The Attorney General’s First Request, Item 15 – the response contains monetary savings from PJM.
- Sierra Club’s First Request, Item 1 – the response contains modeling inputs and outputs.
- Sierra Club’s First Request, Item 4 – the response contains revenue requirements for all modeling scenarios.

- Sierra Club’s First Request, Item 7 – the response contains various costs for all of EKPC’s generating units.
- Sierra Club’s First Request, Item 10 – the response contains tax credits for which EKPC might be eligible.
- Sierra Club’s First Request, Item 16 – the response contains modeling inputs for compliance with carbon capture sequestration (“CCS”) at Spurlock Station.

3. Collectively, the information described above is designated as the “Confidential Information” for which protection is sought under KRS 61.878(1)(c)(1), KRS 61.878(1)(k), KRS 61.878(1)(l), and/or KRS 61.878(1)(m). Disclosure of the Confidential Information would permit an unfair commercial advantage to third parties and 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); KRS 61.878(1)(l); KRS 61.878(1)(k); KRS 61.878(1)(m) *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). The public disclosure of the Confidential Information would harm EKPC’s competitive position in the marketplace by offering competitors insights into operating costs, resource investment calculations, anticipated load growth, the impact to future year revenue requirements, and system average costs of EKPC that are not otherwise publicly available and would be to the detriment of EKPC. Additionally, the Confidential Information is publicly unavailable. The confidentiality of this information 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 response to Staff's Second Request, Item 5, EKPC is providing a table showing EKPC's projected additions and reserves through the year 2039 titled *Staff 2-5d.pdf*. This table shows information that is forecasted and contains projections of EKPC's energy needs. This information is critical to EKPC's business strategy. If this information is publicly available, it could cause potential harm to EKPC, its owner members, and ultimately the owner-members' end-use members and create an unfair commercial advantage to competitors. This information should be granted confidential treatment pursuant to KRS 61.878(1)(c)(1).

6. In response to Staff's Request, Item 13, EKPC is providing a table with the residential customer growth rate and economic growth rate for each region of EKPC's service territory broken down into households and non-manufacturing employment. This information, if disclosed would give market participants and competitors insights into the operating costs, resource investment calculations, and anticipated load growth and the impact to future revenue requirements and system average costs of EKPC that are otherwise publicly unavailable. In addition, this information is forecasted information that includes projections regarding load growth, costs, and investments. This information is critical to EKPC's business strategy and disclosure of which would cause an unfair commercial advantage to competitors. Accordingly, this information should be kept confidential pursuant to KRS 61.878(1)(c)(1).

7. In the response to Staff's Second Request, Item 32, EKPC is providing the electric vehicle study performed by GDS Associates which contains sensitive and confidential information. If this information is made publicly available, it could cause potential harm to EKPC, its owner-members, and ultimately the owner-members' end-use members. Additionally, the

studies were created using a third-party to be used by EKPC exclusively and are confidential to the third-party. This information should be granted confidential treatment pursuant to KRS 61.878(1)(c)(1).

8. In the response to Staff's Second Request, Item 34, EKPC is providing surveys containing residential appliance saturation data and electric vehicle data which contains sensitive and confidential information that contains forecasted information for EKPC. If this information is made publicly available, it could cause potential harm to EKPC, its owner-members, and ultimately the owner-members' end-use members and could also create a competitive disadvantage for EKPC. Additionally, this information is part of a third-party study and the third-party has not authorized disclosure. This information should be granted confidential treatment pursuant to KRS 61.878(1)(c)(1).

9. In response to Staff's Second Request, Item 36, EKPC is providing regional support maps for the COOPER CCGT and Liberty RICE stations. KRS 61.878(1)(m)(1) protects "[p]ublic records the disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act..." and specifically exempts from public disclosure certain records pertaining to public utility critical systems. If this information is made publicly available, it could cause potential harm to EKPC, its owner-members, and ultimately the owner members; end-use members. As such, this information should be granted confidential treatment.

10. In response to the Attorney General's First Request, Item 8 and Item 15, EKPC provided the net savings that EKPC realized from its PJM membership through May 31, 2024 and all costs from EKPC's membership in PJM that were borne by customers.. This information is confidential and proprietary and, if revealed, would communicate EKPC's operating strategies to its competitors at the expense of EKPC's owner members and their end-use customers. This information should therefore be granted confidential treatment pursuant to KRS 61.878(1)(c)(1).

11. In response to Sierra Club's First Request, Item 1, EKPC is providing its modeling input and output data. This information, if disclosed would give market participants and competitors insights into the operating costs, resource investment calculations, and anticipated load growth and the impact to future revenue requirements and system average costs of EKPC that are otherwise publicly unavailable. Accordingly, this information should be kept confidential pursuant to KRS 61.878(1)(c)(1).

12. In response to Sierra Club's First Request, Item 4, EKPC is providing the annual revenue requirements and the present value revenue requirement ("PVRR") calculations for all portfolios and scenarios modeled. This information, if disclosed would give market participants and competitors insights into the operating costs, resource investment calculations, and anticipated load growth and the impact to future revenue requirements and system average costs of EKPC that are otherwise publicly unavailable. Accordingly, this information should be kept confidential pursuant to KRS 61.878(1)(c)(1).

13. In response to Sierra Club's First Request, Item 7, EKPC is providing fixed O&M costs for each generating unit as well as environmental and non-environmental capital spending

and capital revenue requirements. This information, if disclosed would give market participants and competitors insights into the operating costs, resource investment calculations, and anticipated load growth and the impact to future revenue requirements and system average costs of EKPC that are otherwise publicly unavailable. Accordingly, this information should be kept confidential pursuant to KRS 61.878(1)(c)(1).

14. In response to Sierra Club's First Request, Item 10, EKPC is providing the assumed tax credits applied in the modeling by year and by resource. This information, if disclosed would give market participants and competitors insights into the operating costs, resource investment calculations, and anticipated load growth and the impact to future revenue requirements and system average costs of EKPC that are otherwise publicly unavailable. Accordingly, this information should be kept confidential pursuant to KRS 61.878(1)(c)(1).

15. In response to Sierra Club's First Request, Item 16, EKPC is providing information about modeling CCS at Spurlock Station. EKPC's response includes internal modeling information that was used with third party data that, if disclosed, will reveal EKPC's operational strategies and cause a competitive disadvantage in the market. Accordingly, this information should be kept confidential pursuant to KRS 61.878(1)(c)(1).

16. Overall, 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.

17. 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.

18. 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. These attachments are not being highlighted because confidential treatment is being sought for the entirety of the documents. The responses to the Attorney General's First Request Item 8 and Item 15 are being provided with highlights because EKPC is not requesting confidential treatment for the entire response. EKPC is noting in the public version of the filing all of the confidential responses.

19. 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.

20. 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 6<sup>th</sup> day of June 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 June 6, 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.*