

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
AN ORDER APPROVING THE ESTABLISHMENT)	
OF A REGULATORY ASSET FOR THE)	CASE NO.
EXPENSES ASSOCIATED WITH THE REGIONAL)	2025-00193
TRANSMISSION EXPANSION PROCESS AND)	
EXPENSES ASSOCIATED WITH COAL)	
COMBUSTION RESIDUALS)	

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 certain information filed as responses to Commission Staff’s First Request for Information (“Staff’s First Request”).

1. On June 27, 2025, EKPC filed an application, pursuant to KRS 278.030(1), KRS 278.040(2), KRS 278.220, and 807 KAR 5:001, requesting the authority to establish a regulatory asset for the expenses associated with compliance related to the Disposal of Coal Combustion Residuals (CCRs) from Electric Utilities Rule, the federal Clean Water Act, and other environmental requirements and obligations.

2. On July 21, 2025, Staff’s First Requests for Information were issued.

3. The requests include items which involve the discussion or identification of information that is confidential and proprietary including Staff's First Request 9c requesting EKPC to provide calculations for the estimated costs for all Legacy CCRs.

4. The information described above is designated 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 and present an unnecessary and unreasonable infringement upon EKPC's legitimate privacy concerns.

5. 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). 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.

6. In response to Staff's First Request, item 9(c), EKPC is providing an attachment outlining estimated costs for Legacy CCR Asset Retirement Obligations ("AROs"). Some of the information contained in this attachment was provided by third parties. Because EKPC intends to request bids for completing Legacy CCR AROs, if this confidential and proprietary information

were disclosed, it would give potential bidders insight into anticipated costs allowing them to unfairly tailor their bids, creating a competitive disadvantage for EKPC. Accordingly, this information should be kept confidential pursuant to KRS 61.878(1)(c)(1).

7. 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.

8. 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.

9. 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 attachment and responses. This attachment is not being highlighted because confidential treatment is being sought for the entirety of the documents. EKPC is noting in the public version of the filing all of the confidential responses but is not filing a redacted version since confidential treatment is requested for the entire document.

10. 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.

11. 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.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on July 30, 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.



Counsel for East Kentucky Power Cooperative, Inc.