

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

In the Matter of:

<b>ELECTRONIC APPLICATION OF EAST KENTUCKY</b>	)	
<b>POWER COOPERATIVE, INC. FOR A GENERAL</b>	)	<b>CASE NO.</b>
<b>ADJUSTMENT OF RATES, APPROVAL OF</b>	)	<b>2025-00208</b>
<b>DEPRECIATION STUDY, AMORTIZATION OF</b>	)	
<b>CERTAIN REGULATORY ASSETS, AND</b>	)	
<b>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 its supplemental response to Request Nos. 24(a) and 124 of the Attorney General and Nucor’s First Information Request (“AG and Nucor’s First Request”).

1. On August 1, 2025, EKPC filed its Application and on September 8, 2025, AG and Nucor’s First Request was issued. EKPC filed its initial responses to AG and Nucor’s First Request on September 17, 2025.
2. EKPC is filing supplemental responses to AG and Nucor’s First Request contemporaneously with this motion.
3. The information being provided with the supplemental responses is information regarding revenues received by EKPC from certain members and the confidential information for EKPC’s 2025 Integrated Resource Plan (“IRP”) filing in Case No. 2025-00087.

4. This information includes:

- a) Revenues received by EKPC from two members.
- b) Actual and projected cost and operating information for the base year and the basis underlying such projections for a fifteen-year period for each of EKPC's generation resources, as required by 807 KAR 5:058 Section 8.3(b)(12) (IRP, pp. 93-110);
- c) The projected capital cost for traditional resources as calculated by EKPC's RTSim Resource Optimizer (IRP, p. 180);
- d) Future year revenue requirements and average system rates, including the inflation rate and discount rate assumptions used to calculate same (IRP, p. 220);
- e) Critical energy infrastructure information included in Section 11.0 of the IRP;

5. Collectively, the information described above is designated as the "Confidential Information" for which protection is sought under KRS 61.878. Disclosure of the Confidential Information would provide personal and confidential customer information, permit an unfair commercial advantage to third parties or present an unnecessary and unreasonable infringement upon EKPC's legitimate privacy concerns.

6. 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." Moreover, the Kentucky Supreme Court has stated, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial*

*Revitalization* Authority, 907 S.W.2d 766, 768 (Ky. 1995). If disclosed, the Confidential Information within the IRP and accompanying Technical Appendices would give market participants and competitors insights into the operating costs, resource investment calculations, anticipated load growth and the impact to future year revenue requirements and system average costs of EKPC that are otherwise publicly unavailable. In addition, if the revenues received by EKPC were disclosed it would allow third-parties to have access to personal information of the amount certain customers pay to EKPC and should be kept confidential pursuant to KRS 61.878(1)(a). Accordingly, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment. EKPC has requested confidential treatment for this information in its 2025 IRP filing and the Commission recently granted confidential treatment for similar information in EKPC 2019 and 2022 IRP filing.<sup>1</sup>

7. Disclosure of the amount of the customer revenue received by EKPC would be an unwarranted invasion of personal privacy of these members pursuant to KRS 61.878(1)(a). This could result in injury to the customers and to EKPC and is information that is normally granted confidential treatment.

8. Furthermore, the Confidential Information contains copyrighted and proprietary information from a third-party. The IHS information is confidential in nature and subject to copyrights of someone other than EKPC. EKPC must make all reasonable efforts to protect the copyrights of these publications. Furthermore, this information is only available to paid subscribers and could be harmful to the provider if disclosed. Disclosure of this information could be a

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<sup>1</sup> See *In the Matter of the 2019 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.*, Order, Case No. 2019-00096 (Ky. P.S.C. Nov. 8, 2019); See also, *In the Matter of the 2022 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.*, Order, Case No. 2022-00098 (Ky. P.S.C. Aug. 7, 2023); See also *In the Matter of the Joint Application of Duke Energy Corporation, Cinergy Corp., Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., Diamond Acquisition Corporation, and Progress Energy, Inc. for Approval of the Indirect Transfer of Control of Duke Energy Kentucky, Inc.*, Rehearing Order, Case No. 2011-00124 (Ky. P.S.C. Dec. 5, 2011).

breach of EKPC's subscription as well as copyright infringement.

9. 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.

10. 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.

11. 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 highlighted or otherwise appropriately denoted. EKPC is also filing the electronic public version of the IRP and Technical Appendices with the Confidential Information redacted or removed. EKPC is requesting confidential treatment for the entirety of the information provided regarding the revenues received by certain members, therefore no redacted or highlighted versions are being filed.

12. 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 ten (10) years, except that the Confidential Information filed as part of Section 11.0 of the IRP (which is critical energy infrastructure information) be withheld from public disclosure indefinitely.

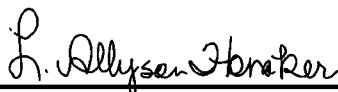
13. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, EKPC will notify the

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, except that the Confidential Information filed as part of Section 11.0 of the IRP (which is critical energy infrastructure information) be withheld from public disclosure indefinitely.

This 24<sup>th</sup> day of September 2025.

Respectfully submitted,



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L. Allyson Honaker

Heather S. Temple

Meredith L. Cave

**HONAKER LAW OFFICE, PLLC**

1795 Alysheba Way, Suite 1203

Lexington, KY 40509

(859) 368-8803

allyson@hloky.com

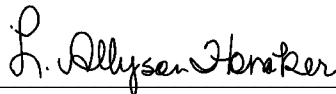
heather@hloky.com

meredith@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 24, 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, East Kentucky Power Cooperative, Inc.*