

**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 \$1,000,000,000 OF	)	
SECURED OR UNSECURED PRIVATE PLACEMENT	)	Case No.
OR BANK/FINANCIAL INSTITUTION DEBT	)	2025-00321
OBLIGATIONS, FOR THE EXECUTION OF CERTAIN	)	
PRECEDENT AGREEMENTS AND FOR THE USE OF	)	
INTEREST RATE MANAGEMENT INSTRUMENTS	)	

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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 with its Application in this matter. In support of its motion, EKPC hereby states as follows:

1. EKPC’s Application includes items which involve the discussion or identification of information that is confidential and proprietary including:

- Maps of the proposed property and construction attached as **Exhibit 5** to the Application (which confidential treatment has been requested by EKPC in Case Nos. 2024-00310<sup>1</sup> and 2024-00370),<sup>2</sup> and
- Certain precedent agreements attached as **Exhibit 7** to the Application that will result in the interconnection with a pipeline operator mainline and the construction of a natural gas pipeline lateral for EKPC's Spurlock Power Station and natural gas pipeline lateral for EKPC's Cooper Power Station along with the respective metering and regulation ("M&R") stations.

2. Collectively, 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.

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). 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

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<sup>1</sup> *Electronic Application of East Kentucky Power Cooperative, Inc. for 1) a Certificate of Public Convenience and Necessity to Construct a New Generation Resources; 2) For a Site Compatibility Certificate Relating to the Same; 3) Approval of Demand Side Management Tariffs; and 4) Other General Relief*, Case No. 2024-00310, Order, (Ky. P.S.C., May 20, 2025).

<sup>2</sup> *Electronic Application of East Kentucky Power Cooperative, Inc. for 1) Certificates of Public Convenience and Necessity to Construct a New Generation Resources; 2) For a Site Compatibility Certificate Relating to the Same; 3) Approval of Demand Side Management Tariffs; and 4) Other General Relief*, Case No. 2024-00370, Order, (Ky. P.S.C., July 3, 2025).

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.

4. The precedent agreements show proprietary customer and business information which is crucial to EKPC's business strategy. If this information is publicly available, it could give market participants and competitors insights to the operating costs, resource investment calculations, anticipated load growth, and the impact to future revenue requirements and system average costs of EKPC that are otherwise publicly unavailable. This could cause potential harm to EKPC, its Owner-Members, and ultimately the Owner-Members' end-use customers and create an unfair commercial advantage to competitors. This information should be granted confidential treatment pursuant to KRS 61.878(1)(c)(1).

5. The maps depict certain critical utility infrastructure necessary to transmit electricity in the region. If the maps are disclosed, the information could be utilized to commit or further a criminal or terrorist act, disrupt critical public utility systems, and/or intimidate or coerce the civilian population. Disclosure of the maps could also result in the disruption of innumerable other infrastructure systems which relate to, or rely upon, the safe and reliable provision of electricity in the area. Moreover, disclosure of the maps could have a reasonable likelihood of threatening public safety. Put plainly, maintaining the confidentiality of the maps relating to critical infrastructure is necessary to protect the interests of EKPC, its Owner-Members, and is Owner-Members end-use customers.

6. 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. *See* KRS 61.878(1)(m)(1)(f).

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 each of the attachments. These attachments are 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.

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.

This the 7th day of October 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 October 7, 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.

A handwritten signature in blue ink, reading "Meredith Lane". The signature is written in a cursive style with a large initial "M".

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*Counsel for East Kentucky Power Cooperative, Inc.*