

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF EAST	)	
KENTUCKY POWER COOPERATIVE, INC. AND	)	CASE NO.
ITS MEMBER DISTRIBUTION COOPERATIVES	)	2026-00188
FOR UPDATES TO THE RENEWABLE ENERGY	)	
PROGRAM	)	

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 in response to Commission Staff’s First Request for Information (“Staff’s First Request”).

1. On July 20, 2026, the Commission opened an investigation into EKPC’s proposed revisions to its Rate H – Wholesale Renewable Energy Program (“Rate H”). On August 11, 2026, the Commission Staff issued its First Request for Information. EKPC is filing responses contemporaneously with this Motion.

2. Staff’s First Request, Item 3 required EKPC to provide a table with an explanation of the customers taking service pursuant to Rate H. The information provided in response to this request are referred to herein collectively as the “Confidential Information” for which protection is sought under KRS 61.878(1)(a). Disclosure of the Confidential Information would be an unwarranted invasion of personal privacy of the customers.

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). As stated above, the public disclosure of the Confidential Information would potentially harm the customers. 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.

4. In response to Staff's First Request, Item 3, EKPC provided a table containing information regarding customers taking service under Rate H, Option B and Rate H, Option C. The customers taking service under Rate H, Option B have contracts on file with the Commission and are publicly available. However, the customers taking service under Rate H, Option C have not been publicly disclosed. EKPC is requesting confidential treatment of the names of these customers pursuant to KRS 61.878(1)(a). The customers are not parties to these proceedings and their contract have not been publicly disclosed. EKPC believes disclosing the names of the customers would cause a clearly unwarranted violation of personal privacy.

5. 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.

6. 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.

7. 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 response. The filing of confidential information is being noted in the response. EKPC is providing an unredacted version of the response with the confidential information highlighted.

8. 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.

9. 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 27th day of August 2026.

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 27, 2026, 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.

Heather S. Temple
Counsel for East Kentucky Power Cooperative, Inc.