

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)
THE FUEL ADJUSTMENT CLAUSE OF EAST) CASE NO. 2012-00319
KENTUCKY POWER COOPERATIVE, INC. FROM)
NOVEMBER 1, 2011 THROUGH APRIL 30, 2012.)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On October 25, 2012, East Kentucky Power Cooperative, Inc. ("Movant") moved pursuant to 807 KAR 5:001, Section 13,¹ that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the materials in question – internal strategic policies of Movant's Board of Directors – are records generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public inspection pursuant to KRS 61.878(1)(c).

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment are records generally recognized as confidential or proprietary, which if openly disclosed would

¹ Movant made its motion pursuant 807 KAR 5:001, Section 7. Since the filing of this motion, the Commission has promulgated revisions to 807 KAR 5:001. The section of the Commission's Rules of Procedure pertaining to confidential treatment of records is now found at Section 13.

permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection until further Order of this Commission.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted.

2. The materials for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection until further Order of this Commission.

3. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

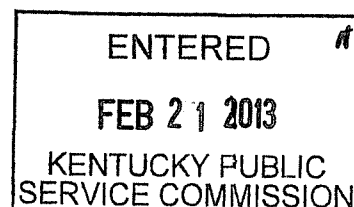
4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission

ATTEST:


Executive Director



Case No. 2012-00319

Anthony S Campbell
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