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November 7, 2013

VIA HAND DELIVERY

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
P. O. Box 615
Frankfort, KY 40602

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PUBLIC SERVICE
COMMISSION

RE: Case No. 2013-00259

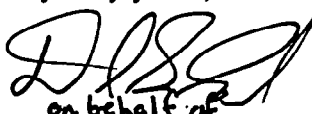
Dear Mr. Derouen:

Enclosed for filing, please find one original and ten copies of East Kentucky Power Cooperative, Inc.'s ("EKPC") Supplemental Response to Sonia McElroy and the Sierra Club's Initial Requests for Information, dated October 4, 2013, in the above-referenced case. The original responses were filed with the Commission on October 28, 2013. EKPC and the Sierra Club have been in discussions concerning some of the October 28th responses and EKPC has agreed to provide supplemental information.

Also enclosed for filing, please find one original and ten copies of EKPC's Petition for Confidential Treatment of Information ("Petition") regarding the supplemental information filed for Request 40. One unredacted copy of the designated confidential portions of the supplemental information to the response to Request 40, which is the subject of the Petition, is enclosed in a sealed envelope.

If you have any questions or require additional information, please contact me.

Very truly yours,


on behalf of
Mark David Goss

Enclosures

cc: Hon. Michael L. Kurtz
Hon. Joe Childers
Hon. Kristin Henry
Hon. Shannon Fisk

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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NOV 07 2013
PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

AN APPLICATION OF EAST KENTUCKY)	
POWER COOPERATIVE, INC. FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY FOR ALTERATION OF)	
CERTAIN EQUIPMENT AT THE COOPER)	PSC CASE NO. 2013-00259
STATION AND APPROVAL OF A COMPLIANCE)	
PLAN AMENDMENT FOR ENVIRONMENTAL)	
SURCHARGE COST RECOVERY)	

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 EKPC’s Supplemental Response to Request No. 40 of the Initial Data Requests tendered by Sonia McElroy and the Sierra Club (collectively, the “Sierra Club”) in the above-captioned proceeding, respectfully states as follows:

1. EKPC’s Application requests the Commission to issue a Certificate of Public Convenience and Necessity (“CPCN”), pursuant to KRS 278.020(1), for an environmental compliance project that involves re-routing the existing duct work for EKPC’s Cooper Station Unit #1 (“Cooper #1”) such that its emissions are able to flow to the Cooper Station Unit #2 Air Quality Control System (“Cooper #2 AQCS”) (the “Project”). For a capital investment of approximately \$15 million, EKPC will be able to retain 116 MW of existing capacity, thereby

reducing its need to procure new capacity from other sources. The Application also requests that the Commission authorize EKPC to amend its Environmental Compliance Plan, pursuant to KRS 278.183, so that EKPC may recover the costs associated with the Project through its existing environmental surcharge mechanism.

2. On October 4, 2013, the Sierra Club tendered Initial Data Requests to EKPC concerning the Application, however, the Sierra Club was not granted status as an intervenor until October 18, 2013. EKPC tendered responses to the Initial Data Requests on October 28, 2013. On or about October 31, 2013, counsel for the Sierra Club requested clarification of certain responses tendered by EKPC to the Initial Data Requests. EKPC agreed to provide clarifications, which are presented in the form of the Supplemental Response that has been tendered contemporaneously herewith. One of the Supplemental Responses, Response No. 40, seeks the details supporting the Project cost estimate developed by EKPC's consultant, Burns & McDonnell. Contemporaneous with the filing of this Motion, EKPC is tendering a supplemental response with information responsive to Request No. 40.

3. The Supplemental Response to Request No. 40 contains detailed information describing the equipment, component and labor cost estimates that were used to arrive at the total cost estimate for the Project. Because this information relates directly to the cost of the Project, it is therefore commercially sensitive and proprietary. Moreover, the above-described information (the "Confidential Information") is retained by EKPC on a "need-to-know" basis and is not publicly available. If disclosed, the Confidential Information would give bidders, contractors and potential business partners a tremendous advantage in the course of negotiations to supply the equipment, components and labor necessary to construct the Project or future projects which EKPC may undertake. Such entities could use the information to determine

EKPC's assumptions about market conditions, competitors' pricing points and other information which would tend to give EKPC's vendors a distinct commercial advantage both now and in the future. The effect of disclosure would very likely be that it would be more difficult for EKPC to complete the Project on budget, to the detriment of its ratepayers. Due to the pervasive nature of the proprietary and commercially sensitive material in the Supplemental Response to Request No. 40, confidentiality is requested for the entirety of the cost estimate details.

4. The Kentucky Open Records Act exempts the Confidential Information from public disclosure. *See* KRS 61.878(1)(c). As set forth above, disclosure of the Confidential Information would permit an unfair advantage to third parties and would have a detrimental impact upon the ratepayers of EKPC. 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). The information derived from the Supplemental Response to Request No. 40 clearly relates to EKPC's internal deliberations and valuation of the Project. Because the Confidential Information is critical to EKPC's effective execution of business decisions and strategy, it satisfies both the statutory and common law standards for affording confidential treatment.

5. EKPC does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable confidentiality and nondisclosure agreement, to Gallatin Steel, the Sierra Club or any other intervenors with a legitimate interest in reviewing the same for the sole and limited purpose of participating in this case.

6. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC is filing one copy of the Supplemental Responses to Request No. 40 separately under seal. The

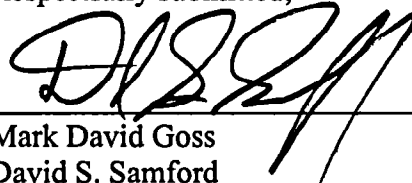
public version of EKPC's filing notes that this information has been submitted to the Commission under seal.

8. In accordance with the provisions of 807 KAR 5:001, Section 13(3), EKPC respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests of EKPC if publicly disclosed.

WHEREFORE, on the basis of the foregoing, EKPC respectfully requests the Commission to enter an Order granting this Motion and to so afford such protection from public disclosure to the unredacted copies of referenced responses, which are filed herewith under seal, for a period of ten years from the date of entry of such an Order.

This 7th day of November 2013.

Respectfully submitted,



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Counsel for East Kentucky Power Cooperative, Inc.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was deposited in the custody and care of the U.S. Mail, postage prepaid, on this the 7th day of November 2013, addressed to the following:

Mr. Mike Kurtz
Boehm, Kurtz & Lowry
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