

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR APPROVAL OF THE)	
AMENDMENT AND EXTENSION OR)	
REFINANCING OF AN UNSECURED REVOLVING)	CASE NO.
CREDIT AGREEMENT IN AN AMOUNT UP TO)	2016-00116
\$800,000,000 OF WHICH UP TO \$100,000,000)	
MAY BE IN THE FORM OF AN UNSECURED)	
RENEWABLE TERM LOAN AND \$200,000,000 OF)	
WHICH WILL BE IN THE FORM OF A FUTURE)	
INCREASE OPTION)	

ORDER

This matter arises on a petition filed on August 5, 2016, by East Kentucky Power Cooperative, Inc. (EKPC), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for ten years. By letter dated August 5, 2016, EKPC requests confidential treatment for the interest rates and other proprietary loan terms and conditions, which are an integral part of the amended, extended or refinanced Credit Facility provided in response to Commission's April 11, 2016 Order (Response).

In support of its petition filed on August 5, 2016, EKPC states that public disclosure of the designated materials contained in its Response would result in competitive injury by subjecting EKPC to higher interest rates and fees and other more restrictive and detrimental conditions, including higher rates to its owner-members, than would otherwise be the case if the information was not publicly disclosed.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in EKPC's August 5, 2016 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. EKPC's August 5, 2016 petition for confidential protection is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission.
3. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. EKPC shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, EKPC shall have 30 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 EKPC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
6. The Commission shall not make the designated materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow EKPC to seek a remedy afforded by law.

By the Commission

ENTERED
MAR 05 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2016-00116

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