

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO.
NECESSITY, APPROVAL OF CERTAIN)	2016-00269
ASSUMPTION OF EVIDENCES OF)	
INDEBTEDNESS AND ESTABLISHMENT OF A)	
COMMUNITY SOLAR TARIFF)	

ORDER

On July 21, 2016, East Kentucky Power Cooperative, Inc. (“EKPC”) filed a petition, pursuant to KRS 61.878(1)(c), KRS 61.878(1)(m)(1), and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for a period of ten years to portions of exhibits filed as attachments to EKPC’s application in this matter (“Application”). The designated materials for which confidential protection is requested are more specifically described as the following:

- The Direct Testimony of David Crews (“Crews Testimony”), Exhibit DC-5, which contains a map and plans of the community solar facility that is the subject of this matter.
- The Direct Testimony of Todd Bartling (“Bartling Testimony”), page 6, line 23 through page 7, line 2, which contains the amounts of bids for a power purchase agreement (“PPA”) received in response to a request for proposals (“RFP”).

- Bartling Testimony, Exhibit TB-2, which contains a report prepared by National Renewables Cooperative Organization (“NRCO”) that includes the names of companies submitting bids and the amount of bids submitted in response to the RFP, along with a comparative analysis of the bids.
- The Direct Testimony of James Read (“Read Testimony”), page 12, line 8; page 16, line 7; page 17, lines 7–8, 11–12, 15, and 22–23; and page 18, lines 1–2, and 20–21 of, which contain cost parameters and conclusions of a comparative economic analysis.
- Read Testimony, Exhibit JR-2, which contains cost parameters and conclusions of a comparative economic analysis.

In support of its petition requesting confidential treatment, EKPC asserts that the designated materials in the Bartling Testimony and Read Testimony contain commercially sensitive information that if publicly disclosed would place EKPC at a competitive disadvantage. EKPC contends that public disclosure of the designated materials could permit potential vendors and competitors a competitive advantage in ongoing and future negotiations with EKPC, which would create high costs for EKPC and higher rates for EKPC’s Members. EKPC states that the designated materials in the Bartling Testimony and Read Testimony are generally recognized as confidential and thus exempt from public disclosure pursuant to KRS 61.878(1)(c). EKPC further states that the designated materials in the Crews Testimony, Exhibit DC-5, contain critical energy infrastructure information that if publicly disclosed could result in the disruption of the provision of safe and reliable electricity, and could have a reasonable

likelihood of threatening public safety, and thus is exempt from public disclosure pursuant to KRS 61.878(1)(m)(1)

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in the Crews Testimony, Bartling Testimony, and Read Testimony filed as exhibits to EKPC's Application are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, could result in commercial harm to EKPC, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c), KRS 61.878(1)(m)(1), and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. EKPC's petition for confidential protection for designated materials contained in the Crews Testimony, Bartling Testimony, and Read Testimony filed as exhibits to EKPC's Application is granted.

2. The designated materials set forth in the Crews Testimony, Bartling Testimony, and Read Testimony shall not be placed in the public record or made available for public inspection for a period of ten years, or until further Orders of this Commission.

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

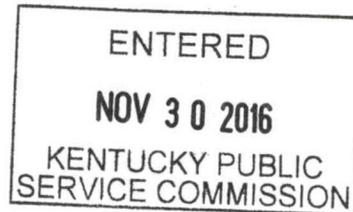
4. EKPC shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have

been granted confidential treatment has not expired, then EKPC 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 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 requested materials available for inspection for 20 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



ATTEST:


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