

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF SOUTH	)	
KENTUCKY RURAL ELECTRIC COOPERATIVE	)	CASE NO.
CORPORATION FOR APPROVAL OF	)	2018-00050
MASTER POWER PURCHASE AND SALE	)	
AGREEMENT AND TRANSACTIONS THEREUNDER	)	

ORDER

This matter arises on motions filed by East Kentucky Power Cooperative, Inc. (EKPC), on May 8, 2018, and May 24, 2018, requesting confidential treatment, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13.

On May 8, 2018, EKPC filed a motion for confidential treatment (May 8, 2018 Motion for Confidential Treatment) requesting confidential treatment for a period of ten years for information contained in EKPC's supplemental response to South Kentucky Rural Electric Cooperative Corporation's Request for Information, Item 24. The designated material is more specifically described as a comparison of EKPC's cost of service data with that of other generation and transmission cooperatives (G&Ts). EKPC explains that the information is not publicly available and was provided to EKPC by the G&Ts under the condition that it would be maintained in a confidential manner. EKPC contends that public disclosure of the designated material would permit an unfair advantage to third parties by revealing information regarding business decisions and strategy generally recognized as confidential and proprietary.

On May 24, 2018, EKPC filed a motion for confidential treatment (May 24, 2018 Motion for Confidential Treatment) requesting confidential treatment for a period of ten years for information contained in its response to Commission Staff's First Post-Hearing Request for Information, Item 2. The designated material is more specifically described as policies approved by EKPC's Board of Directors, which include, among other things, delegation of authority to bind EKPC to certain transactions, means, and methods of transactional processes, procurement strategies, governance records and policies, hedging policies, credit policies, and investments. EKPC contends that public disclosure of the designated material regarding the inner workings of EKPC could give potential vendors and competitors a competitive advantage in ongoing and future negotiations to procure commodities, goods, and services, which could result in higher costs for EKPC and, in turn, higher rates for EKPC's owner-members.

Having considered the motions and the materials at issue, the Commission finds that the designated materials in EKPC's May 8, 2018 and May 24, 2018 Motions for Confidential Treatment meet the criteria for confidential treatment under KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, and therefore should be granted confidential treatment.

IT IS THEREFORE ORDERED that:

1. EKPC's May 8, 2018 Motion for Confidential Treatment is granted.
2. EKPC's May 24, 2018 Motion for Confidential Treatment is granted.
3. The materials for which EKPC's requests for confidential treatment has been granted shall remain confidential for a period of ten years from the date of entry of this order, or until further order of the Commission.

4. Use of the materials that were granted confidential treatment in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. EKPC shall inform the Commission if the materials granted confidential treatment become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this order and the period during which the material have been granted confidential treatment has not run, 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.

7. The Commission shall not make the 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

ENTERED  
OCT 03 2018  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*Big Sandy R.E.C.C.  
Big Sandy R.E.C.C.  
504 11th Street  
Paintsville, KY 41240

\*David T Royse  
Attorney At Law  
Ransdell Roach & Royse PLLC  
176 Pasadena Drive, Building I  
Lexington, KENTUCKY 40503

\*Honorable James M Miller  
Attorney at Law  
Sullivan, Mountjoy, Stainback & Miller, PSC  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KENTUCKY 42302-0727

\*William H May, III  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Dan H McCrary  
Balch & Bingham, LLP  
1710 Sixth Ave. North  
Birmingham, ALABAMA 35203

\*Jake A Thompson  
Crawford & Baxter, P.S.C. Attorneys at Law  
523 Highland Avenue  
P. O. Box 353  
Carrollton, KENTUCKY 41008

\*Bradley Cherry  
Grayson R.E.C.C.  
109 Bagby Park  
Grayson, KY 41143

\*Farmers R.E.C.C.  
Farmers R.E.C.C.  
504 South Broadway  
P. O. Box 1298  
Glasgow, KY 42141-1298

\*Jesse S Unkenholz  
Balch & Bingham, LLP  
1710 Sixth Ave. North  
Birmingham, ALABAMA 35203

\*Brandon Music  
W. Jeffrey Scott, PSC  
PO Box 608  
Grayson, KENTUCKY 41143

\*Honorable James M Crawford  
Crawford & Baxter, P.S.C. Attorneys at Law  
523 Highland Avenue  
P. O. Box 353  
Carrollton, KENTUCKY 41008

\*Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Carol Hall Fraley  
President & CEO  
Grayson R.E.C.C.  
109 Bagby Park  
Grayson, KY 41143

\*John Douglas Hubbard  
Fulton, Hubbard & Hubbard  
117 E. Stephen Foster Avenue  
P.O. Box 88  
Bardstown, KENTUCKY 40004

\*Nolin R.E.C.C.  
Nolin R.E.C.C.  
411 Ring Road  
Elizabethtown, KY 42701-6767

\*Clayton O Oswald  
Taylor, Keller & Oswald, PLLC  
1306 West Fifth Street, Suite 100  
Post Office Box 3440  
London, KENTUCKY 40743-3440

\*Jason Floyd  
Fulton, Hubbard & Hubbard  
117 E. Stephen Foster Avenue  
P.O. Box 88  
Bardstown, KENTUCKY 40004

\*South Kentucky R.E.C.C.  
925-929 N Main Street  
P. O. Box 910  
Somerset, KY 42502-0910

\*Honorable David A Smart  
Attorney at Law  
East Kentucky Power Cooperative, Inc.  
P. O. Box 707  
Winchester, KY 40392-0707

\*Fleming-Mason Energy Cooperative, In  
Fleming-Mason Energy Cooperative, Inc.  
1449 Elizaville Road  
P. O. Box 328  
Flemingsburg, KY 41041

\*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Steven M Madison  
Balch & Bingham, LLP  
1710 Sixth Ave. North  
Birmingham, ALABAMA 35203

\*Inter-County Energy Cooperative Corp  
Inter-County Energy Cooperative Corporation  
1009 Hustonville Road  
P. O. Box 87  
Danville, KY 40423-0087

\*Scott B Grover  
Balch & Bingham, LLP  
1710 Sixth Ave. North  
Birmingham, ALABAMA 35203

\*Honorable Matthew R Malone  
Attorney at Law  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Jackson Energy Cooperative Corporati  
Jackson Energy Cooperative Corporation  
115 Jackson Energy Lane  
McKee, KY 40447

\*Ted Hampton  
General Manager  
Cumberland Valley Electric, Inc.  
Highway 25E  
P. O. Box 440  
Gray, KY 40734

\*R. Michael Sullivan  
Sullivan, Mountjoy, Stainback & Miller, PSC  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KENTUCKY 42302-0727

\*Licking Valley R.E.C.C.  
Licking Valley R.E.C.C.  
P. O. Box 605  
271 Main Street  
West Liberty, KY 41472

\*Honorable W. Jeffrey Scott  
Attorney At Law  
P.O. Box 608  
311 West Main Street  
Grayson, KENTUCKY 41143

\*Honorable W. Patrick Hauser  
Attorney At Law  
P. O. Box 1900  
Barbourville, KENTUCKY 40906

\*Honorable Ruth H Baxter  
Attorney at Law  
Crawford & Baxter, P.S.C. Attorneys at Law  
523 Highland Avenue  
P. O. Box 353  
Carrollton, KENTUCKY 41008

\*Blue Grass Energy Cooperative Corp.  
Blue Grass Energy Cooperative Corp.  
1201 Lexington Road  
P. O. Box 990  
Nicholasville, KY 40340-0990

\*Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Clark Energy Cooperative, Inc.  
Clark Energy Cooperative, Inc.  
2640 Ironworks Road  
P. O. Box 748  
Winchester, KY 40392-0748

\*Roger R Cowden  
Senior Corporate Counsel  
East Kentucky Power Cooperative, Inc.  
4775 Lexington Road  
P. O. Box 707  
Winchester, KY 40392-0707

\*East Kentucky Power Cooperative, Inc  
East Kentucky Power Cooperative, Inc.  
4775 Lexington Road  
P. O. Box 707  
Winchester, KY 40392-0707

\*Robert Spragens, Jr.  
Spragens & Higdon, P.S.C.  
15 Court Square  
P.O. Box 681  
Lebanon, KENTUCKY 40033