

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2019 INTEGRATED RESOURCE	)	CASE NO.
PLAN OF EAST KENTUCKY POWER	)	2019-00096
COOPERATIVE, INC.	)	

ORDER

On April 3, 2019, East Kentucky Power Cooperative, Inc. (EKPC), pursuant to 807 KAR 5:001, Section 13, moved that certain materials contained in its 2019 Integrated Resource Plan (IRP) filed with the Commission be afforded confidential treatment. The information is more particularly described as the discussion of anticipated expansion of an interruptible load customer and the expansion's impact on the 2018 load forecast and demand response capacity; actual and projected cost and operating information for the base year and the basis underlying such projections for a 15-year period for each of EKPC's generation resources; the projected capital cost for traditional resources as calculated by EKPC's RTSim Resource Optimizer; future year revenue requirements and average system rates, including the inflation rate and discount rate assumptions used to calculate the same; and critical energy infrastructure information included in Section 11.0 of the IRP. EKPC requests that the critical energy infrastructure information remains confidential for an indefinite period and that the remainder of the designated information remains confidential for ten years.

In support of its motion, EKPC states that disclosure of the designated information would permit an unfair commercial advantage to third parties or present an unnecessary

and unreasonable infringement on EKPC's legitimate privacy concerns. EKPC further states that, if disclosed, the designated information would give market participants and competitors insights into the anticipated load growth, operating costs, resource investment calculations, future year requirements, and EKPC system average costs. EKPC argues that the designated information is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1), and that the Commission recently granted confidential treatment to similar information of EKPC in Case No. 2015-00134.

Having carefully considered the motion and the materials at issue, the Commission finds that the materials meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13. The Commission further finds that public disclosure of the critical energy infrastructure information could result in the disruption of critical transmission systems that relate to the safe and reliable provision of electricity of EKPC's members, customers and others in the region, and thus is exempt from public disclosure pursuant to KRS 61.878(1)(m)(1).

IT IS THEREFORE ORDERED that:

1. EKPC's motion for confidential protection is granted.
2. The designated materials, with the exception of the material in Section 11.0 of the IRP, shall not be placed in the public record or made available for public inspection for ten years from the date of this Order, or until further Orders of this Commission. The material in Section 11.0 of the IRP shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

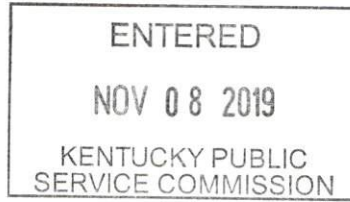
3. Use of the materials that were granted confidential treatment in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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 run, then 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 requested 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



ATTEST:

  
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