

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On May 8, 2020, East Kentucky Power Cooperative, Inc. (EKPC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for EKPC's responses to portions of Commission Staff's Second Request for Information (Staff's Second Request) and the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention's Second Request for Information (Attorney General's Second Request). The designated materials are more specifically described as follows:

- EKPC's response to Staff's Second Request, Item 6, which contains EKPC's strategies for purchasing and hedging Firm Transmission Rights (FTRs) in the PJM Interconnection, LLC (PJM) auctions. EKPC asserted that public disclosure of the designated materials would result in a commercial disadvantage to EKPC because competitors could use the information to anticipate EKPC's purchasing strategy, and thus manipulate the marketplace. EKPC requested that the designated materials be held confidential for ten years.
- EKPC's response to the Attorney General's Second Request, Item 4, which contains year-over-year inflation rate and discount rate assumptions used to calculate

financial metrics. EKPC stated that the designated materials are the same materials that were granted confidential treatment for ten years in the Commission's Order entered November 8, 2019.

Having considered the motion and the materials at issue, the Commission finds that designated materials contained in Staff's Second Request, Item 6, and the Attorney General's Second Request, Item 4, are generally recognized as confidential or proprietary, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. EKPC's motion for confidential protection for designated materials contained in Staff's Second Request, Item 6, and the Attorney General's Second Request, Item 4, 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 Order 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.

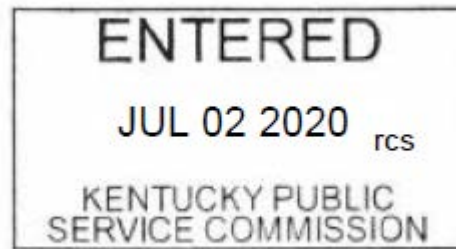
5. If a non-party to this proceeding requests to inspect the materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, EKPC shall have 30 days from receipt of written notice of the request to demonstrate 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 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.

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By the Commission



ATTEST:

*A. B. Pinner*  
Acting General Counsel

Case No. 2019-00096

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