

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 September 3, 2020, East Kentucky Power Cooperative, Inc. (EKPC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for ten years to designated material contained in EKPC's response to the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention's Post-Hearing Request for Information (Attorney General's Post-Hearing Request), Item 2.

In support of its motion, EKPC stated that the designated material contains EKPC's owner-member end-use survey report regarding methods used to model member choice of appliances and heating fuels. EKPC asserted that public disclosure of the designated material would result in commercial harm to EKPC. EKPC explained that the designated material contains strategic research that, if publicly disclosed, could allow market participants and competitors to use the research and strategic insights for their own commercial gain at the expense of EKPC, its owner-members, and end-use retail members.

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary, and

therefore meets the criteria for confidential treatment and is 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 September 3, 2020 motion for confidential protection for EKPC's response to Attorney General Post-Hearing Request, Item 2 is granted.

2. The designated information 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 material 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 material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, EKPC shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow EKPC to seek a remedy afforded by law.

By the Commission

Vice Chairman Kent A. Chandler did not participate in the deliberations and decision concerning this case.



ATTEST:



Deputy Executive Director

Case No. 2019-00096

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