

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF FLEMING-)	
MASON ENERGY COOPERATIVE, INC. FOR)	CASE NO.
PASS-THROUGH OF EAST KENTUCKY)	2021-00109
POWER COOPERATIVE, INC. WHOLESALE)	
RATE ADJUSTMENT)	

ORDER

On June 23, 2021, Fleming-Mason Energy Cooperative, Inc. (Fleming-Mason Energy) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for Fleming-Mason Energy's response to Commission Staff's Second Request for Information (Staff's Second Request), Item 1. The designated material contains monthly energy usage and revenue for one of Fleming-Mason Energy's customers.

In support of its motion, Fleming-Mason Energy asserted that public disclosure of an individual customer's usage data would be an unwarranted invasion of the customers' privacy and could result in commercial harm to EKPC if competitors used the information to attract the customer to relocate to another jurisdiction.

Having considered the motion and the material at issue, the Commission finds that the designated material meets the criteria and is exempt from public disclosure because it contains customer-specific information of a personal nature for which public disclosure would constitute a clearly unwarranted invasion of personal privacy, and thus is exempt under KRS 61.878(1)(a) and 807 KAR 5:001, Section 13. The Commission notes that

this same designated material was filed in Case No. 2021-00103,¹ and was granted confidential treatment by Order entered September 10, 2021.

IT IS THEREFORE ORDERED that:

1. Fleming-Mason Energy's June 23, 2021 motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Fleming-Mason Energy shall inform the Commission if the designated material granted confidential treatment by this Order 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, Fleming-Mason Energy 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 Fleming-Mason Energy is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

¹ Case No. 2021-00103, *Electronic Application of East Kentucky Power Cooperative, Inc. for a General Adjustment of Rates, Approval of Depreciation Study, Amortization of Certain Regulatory Assets, and Other General Relief* (Ky. PSC Sept. 10, 2021).

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 Fleming-Mason Energy to seek a remedy afforded by law.

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By the Commission



ATTEST:


Executive Director

*L Allyson Honaker
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*Honorable Earl Rogers III
Attorney at Law
Campbell & Rogers
154 Flemingsburg Road
Morehead, KENTUCKY 40351

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

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507