

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2022 INTEGRATED RESOURCE)	CASE NO.
PLAN OF EAST KENTUCKY POWER)	2022-00098
COOPERATIVE, INC.)	

ORDER

This matter arises on four motions for confidential treatment filed by East Kentucky Power Cooperative, Inc. (EKPC). On April 1, 2022,¹ EKPC filed a motion, pursuant to 807 KAR 5:001E, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for information included in its 2022 Integrated Resource Plan (IRP), except for Section 11.0 information, for which EKPC sought indefinite confidential treatment.

On July 29, 2022,² EKPC filed a motion, pursuant to 807 KAR 5:001E, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for its response to Commission Staff's First Request for Information (Staff's First Request), Item 37, Attorney General's of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General) First Request for Information (Attorney General's First Request), Item 7b, Joint Intervenors' First Request for Information (Joint

¹ EKPC's Dec. 16, 2022 motion for confidential treatment amended and replaced EKPC's motion for confidential treatment filed Apr. 1, 2022.

² EKPC's Aug. 19, 2022 motion for confidential treatment amended and replaced EKPC's motion for confidential treatment filed July 29, 2022.

Intervenors' First Request), Items 26c, 30, 32, 35, 40, and 97, and Sierra Club's First Request for Information (Sierra Club's First Request), Items 3 and 13.

On September 20, 2022, EKPC filed a motion, pursuant to 807 KAR 5:001E, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for its response to Attorney General's Second Request for Information (Attorney General's Second Request), Item 13, and Joint Intervenors' Second Request for Information (Joint Intervenors' Second Request), Items 1 and 53.

On January 20, 2023, EKPC filed a motion, pursuant to 807 KAR 5:001E, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for its response to Joint Intervenors' Post-Hearing Request for Information (Joint Intervenors' Post-Hearing Request), Item 4.

LEGAL STANDARD

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884."³ In support of its motions, EKPC argued the application of two provisions of KRS 61.878.

KRS 61.878(1)(c)(1) provides an exception to the requirement for public disclosure for records that are "generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records."

Under KRS 61.878(1)(m), the Open Records Act exempts "[p]ublic records the disclosure of which would have a reasonable likelihood of threatening the public safety

³ KRS 61.872(1).

by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act . . .”⁴ The exemption is limited to certain types of records, including:

Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems.⁵

A terrorist act is defined as including a criminal act intended to “[d]isrupt a system” identified in the above.⁶

Exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.⁷ The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.⁸

APRIL 1, 2022 MOTION/DECEMBER 16, 2022 AMENDED MOTION

EKPC requested that the Commission grant confidential treatment for certain information contained in its IRP, including:

- (1) 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;⁹
- (2) A portion of EKPC’S projected capital costs for traditional resources;¹⁰

⁴ KRS 61.878(1)(m)(1).

⁵ KRS 61.878(1)(m)(1)(f).

⁶ KRS 61.878(1)(m)(2)(b).

⁷ See KRS 61.871.

⁸ 807 KAR 5:001, Section 13(2)(c).

⁹ IRP at 104–110.

¹⁰ IRP at 163.

- (3) Projected revenue requirements and system rates;¹¹
- (4) Critical energy infrastructure information, including a map of EKPC's planned transmission expansion;¹²
- (5) A discussion of anticipated interruptible load customer expansion;¹³ and
- (6) A third-party publication titled "US Markets State Economies – Kentucky 2020."

With respect to Items (1), (2), (3), (5), and (6) above, EKPC requested confidential treatment for a period of ten years. With respect to Item (4) above (EKPC's critical energy infrastructure information), EKPC requested confidential treatment for an indefinite period.

In support of its motion, EKPC argued generally that the designated material in its IRP and supporting documents, if disclosed, would give market participants and competitors insights into the operating costs, resource investment calculations, anticipated load growth, and the impact to future year revenue requirements and system average costs of EKPC that are otherwise publicly unavailable. Additionally, EKPC argued that the publication titled "US Markets State Economies – Kentucky 2020" is material copyrighted by a third party that EKPC only has access to as a paid subscriber. While EKPC does not specifically reference KRS 61.878(1)(m), page 219 of EKPC's IRP contains a transmission map.

¹¹ IRP at 217.

¹² IRP at 219.

¹³ IRP, Tech. Appx. Vol. 1 at 2-3; Tech. Appx. Vol. 2, Exhibit DSM-9 at 1.

Having considered the motion and the material at issue, the Commission finds that EKPC's motion should be granted in part and denied in part. With respect to Items (1) and (3) above, EKPC's motion should be granted because the disclosure of this information could allow energy market competitors to unfairly compete by using cost figures to determine EKPC's pricing. Similar information was granted confidential treatment in EKPC's last IRP case.¹⁴

With respect to Item (5) above, EKPC's motion should be granted because this information pertains to a special contract customer's business expansion plan. Public disclosure of the information could also provide insight into the impact of the special contract on EKPC's future load characteristics, and to projected revenue, times interest earned ratio (TIER), margins, and cash balance amounts. Disclosure could place EKPC at a competitive disadvantage in attracting economic development projects and negotiating electric pricing structures with companies interested in expanding in Kentucky.¹⁵

With respect to Item (6) above, EKPC's motion should be granted because public disclosure could jeopardize EKPC's ability to obtain this type of information from third parties in the future and might represent a copyright law violation.¹⁶

¹⁴ Case No. 2019-00096, *In the Matter of the 2019 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.* (Ky. PSC Nov. 8, 2019), Order.

¹⁵ Case No. 2020-00064, *Application of Big Rivers Electric Corporation for Approval to Modify Its MRSM Tariff, Cease Deferring Depreciation Expenses, Establish Regulatory Assets, Amortize Regulatory Assets, and Other Appropriate Relief* (Ky. PSC Mar. 17, 2020), Order at 1–2.

¹⁶ Case No. 2021-00407 *Electronic Application of South Kentucky Rural Electric Cooperative Corporation for a General Adjustment of Rates, Approval of Depreciation Study, and Other General Relief* (Ky. PSC Mar. 28, 2022), Order at 3.

The designated material in Items (1), (3), (5), and (6) is generally recognized as confidential or proprietary; it 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).

The designated material in Item (4) above contains a map that includes not only projected transmission infrastructure locations, but also existing infrastructure locations and should be protected from disclosure indefinitely pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1)(m). This information was granted confidential treatment in EKPC's last IRP case.¹⁷

Regarding Item (2) above, the Commission finds that confidential treatment is denied for the first four rows of Table 8-2 on page 163 of EKPC's IRP. At the conclusion of the hearing on December 13, 2022, the Commission requested that EKPC review its April 1, 2022 motion to determine which of the designated material in Table 8-2 on page 163 of EKPC's IRP had already been disclosed to the public. Consistent with the testimony provided on December 13, 2022, EKPC asserted in its amended motion that the data originally redacted in the first four rows of Table 8-2 on page 163 of EKPC's IRP had been released by the National Renewable Energy Laboratory (NREL) and Energy Information Administration (EIA) and is now publicly available.¹⁸ Therefore, this designated material was no longer entitled to confidential treatment, and EKPC no longer requests confidential treatment of this information. Rows 5–6 of Table 8-2 on page 163

¹⁷ Case No. 2019-00096, Nov. 8, 2019 Order at 2.

¹⁸ Hearing Video Transcript (HVT) of the Dec. 13, 2022 Hearing at 13:24:00–13:26:30.

contain estimated solar power purchase agreement (PPA) costs;¹⁹ this data is confidential and proprietary under KRS 61.878(1)(c)(1) because potential solar contractors could use this information to unfairly negotiate for PPAs. Only rows 5–6 of the IRP, Table 8-2 are entitled to confidential treatment.

The designated material, except for the publicly released information described above, meets the criteria for confidential treatment and is exempted from public disclosure for ten years pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1)(c)(1) and for an indefinite period for the transmission map in the IRP, page 219, pursuant to KRS 61.878(1)(m).

JULY 29, 2022 MOTION/AUGUST 19, 2022 AMENDED MOTION

EKPC requested confidential treatment for its 2022 Residential End-Use Survey Report, which it provided in full as part of its response to Staff's First Request, Item 37. EKPC argued that if the report was made publicly available, the end-use members may stop supplying this information to EKPC and its owner-members when requested. This information could also give competitors a commercial advantage by giving them information regarding residential end-use members' usage information and equipment preferences.

EKPC also requested confidential treatment for the calculation of its net savings realized from its PJM Interconnection, LLC (PJM) membership through May 31, 2021, provided in response to Attorney General's First Request, Item 7(b). EKPC argued that the information about EKPC's net savings is generally recognized as confidential and proprietary in the energy industry and has specifically been granted confidential treatment

¹⁹ HVT of the Dec. 13, 2022 Hearing at 13:24:00–13:26:30.

by the Commission in the context of EKPC's PJM annual report filings. EKPC asserted that the public disclosure of this confidential information would potentially harm EKPC's competitive position in the marketplace to the detriment of EKPC and its customers.

EKPC requested confidential treatment for its responses to Items 26(c), 30, 32, 35, 40, and 97 of Joint Intervenors' First Request. Joint Intervenors' First Request, Item 26(c) requested information regarding EKPC's load research and smart home pilot data for the past five years. EKPC argued that if such customer information was publicly disclosed, EKPC might not be able to gather this information from its end-use customers in the future.

In response to Joint Intervenors' First Request, Item 30, EKPC provided information showing its projected costs, outages, revenues, generation expenses, and capacity for EKPC coal units based upon EKPC's assumptions. EKPC argued that the public disclosure of this information could harm EKPC because energy marketers could use the information to forecast EKPC's future energy needs, which could result in EKPC paying higher energy or capacity prices.

In response to Joint Intervenors' First Request, Item 32, EKPC provided multiple documents pertaining to EKPC's planned boiler outages and inspections at its thermal generating units. EKPC argued that this information was both confidential and proprietary and thus entitled to confidential treatment pursuant to KRS 61.878(1)(c)(1) as well as protected as a record of EKPC's critical infrastructure system.²⁰

In Joint Intervenors' First Request, Item 35, Joint Intervenors requested from EKPC the unredacted portions of EKPC's IRP that EKPC had already sought confidential

²⁰ See KRS 61.878(1)(m).

treatment for as part of its April 1, 2022 motion,²¹ consisting of actual base year cost and 15-year projections for generation resources.

In response to Joint Intervenors' First Request, Item 40, EKPC provided spreadsheet workbooks with formulae intact of the RTSim input and output files used to generate EKPC's IRP. EKPC argued that this raw data is proprietary to a third party and subject to copyright protections.

In response to Joint Intervenors' First Request, Item 97, EKPC provided documentation of coal specifications and pricing data received from third-party bidders who were not awarded contracts. EKPC argued that the public disclosure of this material could allow potential vendors a competitive advantage in future contract bids and fuel procurement negotiations.

EKPC has requested confidential treatment for two of its responses to Sierra Club's First Request. In its response to Item 3, EKPC provided the supporting data for all of the tables included in its IRP. EKPC previously sought confidential treatment for this designated material in its April 1, 2022 motion.

In response to Sierra Club's First Request, Item 13, EKPC provided information regarding its coal unit capacity, availability, heat rate, outages, expenses, and fuel costs. EKPC asserted that the designated material contained projected outages, capacity, and cost information for EKPC's Spurlock and Cooper units. EKPC argued that public disclosure would provide vendors and competitors with a commercial advantage in future negotiations.

²¹ See IRP at 104–110.

Having considered the motion and the material at issue, the Commission finds that EKPC's motion should be granted in part and denied in part. The Residential End-Use Survey Report provided in response to Staff's First Request, Item 37, should be granted confidential treatment because it contains market information that EKPC paid to gather, and it could be used by energy market competitors to determine EKPC's pricing. Further, a similar survey report was granted confidential treatment in EKPC's last IRP case.²²

Net savings from PJM membership included in response to Attorney General's First Request, Item 7(b), should remain confidential as well, because disclosure of this information could give an unfair advantage to EKPC's energy market competitors. This same information was granted confidential treatment in a prior EKPC case.²³

Load research and smart home pilot data included in response to Joint Intervenors' First Request, Item 26(c), should be granted confidential treatment because considering the relatively low level of participants in the pilot program, identification of customers based on customer class could result in identification of customers and their usage. Confidential treatment should be granted pursuant to KRS 61.878(1)(a), which exempts "disclosure of information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy."

Regarding projected costs, outages, revenues, generation expenses, and capacity for EKPC coal units included in response to Joint Intervenors' First Request Item 30, this information could be used by energy market competitors to unfairly compete by using cost

²² Case No. 2019-00096, *In the Matter of the 2019 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.* (Ky. PSC Oct. 14, 2020), Order at 1–2.

²³ Case No. 2012-00169, *Application of East Kentucky Power Cooperative, Inc. to Transfer Functional Control of Certain Transmission Facilities to PJM Interconnection, LLC* (Ky. PSC Aug. 11, 2022), Order.

figures to determine EKPC's pricing. Similar information was granted confidential treatment in EKPC's last IRP case.²⁴

With regard to outages and inspections at EKPC's thermal generating units provided in response to Joint Intervenors' First Request, Item 32, this information could be utilized by EKPC's vendors in future contract negotiations. Additionally, the documents provided contain detailed information and photographs of EKPC's critical infrastructure system. This information is exempt from disclosure under KRS 61.878(1)(m) and should remain confidential indefinitely.

For the reasons set forth above in the discussion pertaining to EKPC's April 1, 2022 motion, EKPC's motion for confidential treatment should be granted with respect to actual base year cost and 15-year projections for generation resources Joint Intervenors' First Request, Item 35.²⁵

Public disclosure of RTSim input and output data, provided in response to Joint Intervenors' First Request, Item 40, could jeopardize EKPC's ability to obtain this type of information from third parties in the future and might represent a copyright law violation,²⁶ and therefore should remain confidential.

Regarding coal specifications and pricing data received from third-party bidders, provided in response to Joint Intervenors' First Request, Item 97, the bids provided by EKPC were not winning bids. Historically, the Commission has granted confidential

²⁴ Case No. 2019-00096, Nov. 8, 2019 Order.

²⁵ See Case No. 2019-00096, Nov. 8, 2019 Order.

²⁶ See Case No. 2021-00407, Mar. 28, 2022 Order at 3.

treatment for bids not selected by a utility,²⁷ because this information could be used to manipulate bids in future projects.

For the reasons set forth in the discussion above concerning EKPC's April 1, 2022 motion, EKPC's motion for confidential treatment of EKPC's response to Sierra Club's First Request, Item 3. The raw data used to generate portions of the values in Table 8-2 (the first four rows) of EKPC's IRP have now been released publicly,²⁸ so that information is no longer entitled to confidential treatment and that portion of EKPC's motion should be denied. However, the data for the remaining tables, including rows 5–6 of Table 8-2, in EKPC's IRP have not been disclosed publicly. The remainder of this designated material is generally recognized as confidential or proprietary; it 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).

Lastly, the release of information regarding EKPC' coal unit capacity, availability, heat rate, outages, expenses, and fuel costs, provided in response to Sierra Club's First Request, Item 13, could allow market competitors to unfairly compete against EKPC by using cost figures to determine EKPC's pricing. The Commission granted similar information confidential treatment in EKPC's last IRP case.²⁹

²⁷ Case No. 2021-00407, Mar. 28, 2022 Order at unnumbered 5; Case No. 2021-00358, *Electronic Application of Jackson Purchase Energy Corporation for a General Adjustment of Rates and Other General Relief* (Ky. PSC Feb. 28, 2022), Order at 2–3; Case No. 2020-00004, *An Electronic Examination of the Application of the Fuel Adjustment Clause of Kentucky Power Company from May 1, 2019 Through October 31, 2019* (Ky. PSC Apr. 9, 2020), Order at 1–2.

²⁸ HVT of the Dec. 13, 2022 Hearing at 13:24:00–13:26:30.

²⁹ Case No. 2019-00096, Nov. 8, 2019 Order.

The designated material, except for the publicly released information described above, meets the criteria for confidential treatment and is exempted from public disclosure for ten years pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1)(a), (c)(1), and for an indefinite period for documents provided by EKPC in response to Joint Intervenors' First Request, Item 32 pursuant to KRS 61.878(1)(m).

SEPTEMBER 20, 2022 MOTION

In response to the Attorney General's Second Request, Item 13, EKPC requested confidential treatment of redacted portions of its 2021 and 2022 Integration Annual Reports for a period of ten years. EKPC also sought and obtained confidential treatment for this same material in another case.³⁰

EKPC also sought confidential treatment for two of its responses to Joint Intervenors' Second Request, Item 1, which requested an update of a third-party report³¹ that EKPC requested confidential treatment for in its April 1, 2022 motion.³² EKPC argued that the report and any updates to the report are proprietary, copyrighted by a third party, and only available to paid subscribers.

Joint Intervenors' Second Request, Item 53, requested EKPC's most recently available PJM capacity price forecast. In response, EKPC provided a spreadsheet with this information but argued that the material should be granted confidential treatment because the public disclosure of forecasted capacity pricing would give market

³⁰ Case No. 2012-00169, *Application of East Kentucky Power Cooperative, Inc. to Transfer Functional Control of Certain Transmission Facilities to PJM Interconnection, LLC* (Ky. PSC Aug. 11, 2022), Order.

³¹ "US Markets State Economies Kentucky Summer 2022."

³² EKPC's Motion for Confidential Treatment (filed Apr. 1, 2022), at 2–3.

participants and competitors insight into EKPC business strategies, which could result in a commercial disadvantage to EKPC.

Having considered the material at issue, the Commission finds that EKPC's motion should be granted with respect to the designated material. The information about actual and projected EKPC net savings, provided in response to Attorney General's Second Request, Item 13, is generally recognized as confidential and proprietary in the energy industry and has specifically been granted confidential treatment by the Commission in the context of EKPC's PJM annual report filings.³³ The public disclosure of the confidential information would potentially harm EKPC's competitive position in the marketplace, to the detriment of EKPC and its customers.

The third-party report, provided in response to Joint Intervenors' Second Request, Item 1, should be granted confidential treatment because the public disclosure of this information could jeopardize EKPC's ability to obtain this type of information from third parties in the future and might represent a copyright law violation.³⁴

Regarding the PJM capacity price forecast, provided in response to Joint Intervenors' Second Request, Item 53, this information could be used by energy market competitors to unfairly compete by using cost figures to determine EKPC's pricing and should be granted confidential treatment.

The designated material meets the criteria for confidential treatment and is exempted from public disclosure for ten years pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1)(c)(1).

³³ Case No. 2012-00169, Aug. 11, 2022 Order at 2.

³⁴ See Case No. 2021-00407, Mar. 28, 2022 Order at 3.

JANUARY 20, 2023 MOTION

Joint Intervenors' Post-Hearing Request, Item 4, sought RTSim input files documenting all constraints applied in the RTSim Resource Optimizer modeling. EKPC argued that this data is proprietary and subject to copyright protections, and that if it were to be publicly disclosed, EKPC would be placed at a disadvantage in the market to other entities who could exploit the information for commercial gain by getting insights into EKPC's positions and strategies. EKPC also argued that disclosure would prevent EKPC from utilizing other such proprietary modeling programs from third parties who would fear that their intellectual property would be compromised.

Having considered the material at issue, the Commission finds that EKPC's motion should be denied. The Commission has specifically stated

The Commission expects IRP filers to provide its IRP inputs in a way that maximizes the transparency of the filing. BREC, and all electric utilities, are put on notice that information necessary for the Commission to fully and specifically review IRPs, and for the transparency necessary for BREC's ratepayers to know what information the Commission relied upon in the Commission's review of the IRP, shall be provided with the minimum number of redactions necessary to protect sensitive information.³⁵

EKPC has not provided its IRP inputs in a way that maximizes the transparency of the filing. It seeks blanket protection for all the input data without differentiating any of the data, some of which has already been publicly disclosed. Nor has EKPC explained how the inputs represent copyrighted "proprietary modeling programs." Ratepayers are

³⁵ Case No. 2020-00299, *Electronic 2020 Integrated Resource Plan of Big Rivers Electric Corporation* (Ky. PSC Apr. 14, 2022), Order at 8.

entitled to know all variables considered in the modeling construct and how the final plans were derived.

IT IS THEREFORE ORDERED that:

1. EKPC's August 19, 2022 motion for confidential treatment is granted in part and denied in part.

2. EKPC's September 20, 2022 motion for confidential treatment is granted.

3. EKPC's December 16, 2022 motion for confidential treatment is granted in part and denied in part.

4. EKPC's January 20, 2023 motion for confidential treatment is denied.

5. The designated material described in EKPC's August 19, 2022 amended motion for confidential treatment and December 16, 2022 amended motion for confidential treatment is granted confidential treatment except for the first four rows of Table 8-2 on page 163 of EKPC's IRP.

6. Except as noted below in paragraph 7, the designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.

7. The designated material in EKPC's December 16, 2022 amended motion for confidential treatment containing EKPC's map of its transmission lines on page 219 of EKPC's IRP and EKPC's August 19, 2022 amended motion for confidential treatment consisting of documents filed in response to Joint Intervenors' First Request, Item 32, shall not be placed in the public record or made available for public inspection for an indefinite period.

8. Confidential treatment is denied for the first four rows of Table 8-2 on page 163 of EKPC's IRP.

9. 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).

10. EKPC shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

11. 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.

12. 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.

13. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

14. If EKPC objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to

KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials shall be granted confidential treatment.

15. Within 30 days of the date of service of this Order, EKPC shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

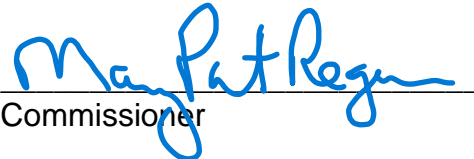
16. The designated material for which EKPC's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order to allow EKPC to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION


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ATTEST:


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