

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. AND)	
ITS MEMBER DISTRIBUTION COOPERATIVES)	CASE NO.
FOR APPROVAL OF PROPOSED CHANGES TO)	2024-00101
THEIR QUALIFIED COGENERATION AND SMALL)	
POWER PRODUCTION FACILITIES TARIFFS)	

ORDER

On May 29, 2024, East Kentucky Power Cooperative, Inc. (EKPC) filed a motion for confidential treatment, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for 20 years for its response to Item 8d of Commission Staff's First Request for Information (Staff's First Request), which requests the current Alliance for Cooperative Energy Services (ACES) Power Marketing, LLC contract.

In support of its motion, EKPC argued that the confidential contract with ACES provides energy management services to EKPC in two key areas: Trading and Counterparty Controls, and Risk Policies, Portfolio Strategy, and Management.¹ According to EKPC, disclosing this information would commercially harm EKPC and its owner-members by allowing competitors to develop strategies that could undermine EKPC's competitive edge and increase costs. EKPC stated that the information is

¹ Motion for Confidential Treatment (Motion) (filed May 29, 2024) at 2.

proprietary and commercially sensitive.² Additionally, EKPC stated the information is not known outside of EKPC, is not disseminated within EKPC except to those employees with a legitimate business need.³ EKPC also argued that the Kentucky Open Records Act exempts from disclosure confidential information that would permit an unfair advantage to third parties.⁴

Having considered the motion and the material at issue, the Commission finds that EKPC's response to Staff's First Request, Item 8d, which relates to information concerning the inner workings of the corporation, is generally recognized as confidential or proprietary;⁵ it therefore meets the criteria for confidential treatment and should be 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 May 29, 2024 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 20 years 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).

² Motion at 2.

³ Motion at 2.

⁴ Motion at 2.

⁵ *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995).

4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, EKPC shall inform the Commission and file with the Commission an unredacted copy of the designated material.

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.

PUBLIC SERVICE COMMISSION



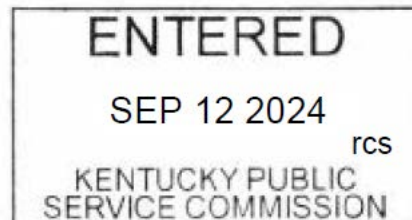
Chairman



Commissioner



Commissioner



ATTEST:



Executive Director

*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KENTUCKY 40509

*Fulton, Hubbard & Hubbard
117 E. Stephen Foster Avenue
P.O. Box 88
Bardstown, KENTUCKY 40004

*Kevin Newton
System Planning Engineer
South Kentucky R.E.C.C.
200 Electric Avenue
Somerset, KY 42501

*Billy Frasure
Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

*Gregory R. Lee
Nolin R.E.C.C.
411 Ring Road
Elizabethtown, KY 42701-6767

*Lauren Logan
Blue Grass Energy Cooperative Corp.
1201 Lexington Road
P. O. Box 990
Nicholasville, KY 40340-0990

*Bradley Cherry
Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143

*Heather Temple
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KENTUCKY 40509

*Michael Moriarty
Shelby Energy Cooperative, Inc.
620 Old Finchville Road
Shelbyville, KY 40065

*Brittany H. Koenig
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KENTUCKY 40509

*John Douglas Hubbard
Fulton, Hubbard & Hubbard
117 E. Stephen Foster Avenue
P.O. Box 88
Bardstown, KENTUCKY 40004

*East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Carol Wright
President & CEO
Jackson Energy Cooperative Corporation
115 Jackson Energy Lane
McKee, KY 40447

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

*Michael L Cobb
Manager - Corporate Accounting
Owen Electric Cooperative, Inc.
P. O. Box 400
Owenton, KY 40359

*Chris Adams
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Jennie G Phelps
Farmers R.E.C.C.
504 South Broadway
P. O. Box 1298
Glasgow, KY 42141-1298

*Robert Tolliver
Officer Manager
Cumberland Valley Electric, Inc.
Highway 25E
P. O. Box 440
Gray, KY 40734

*J H Dean
Legal Counsel
Inter-County Energy Cooperative Corporation
1009 Hustonville Road
P. O. Box 87
Danville, KY 40423-0087

*Jeffrey R Williams
Taylor County R.E.C.C.
625 West Main Street
P. O. Box 100
Campbellsville, KY 42719

*Robin Slone
Big Sandy R.E.C.C.
504 11th Street
Paintsville, KY 41240

*Vice President of Operations Tim Sharp
P.E.
Salt River Electric Cooperative Corp.
111 West Brashear Avenue
P. O. Box 609
Bardstown, KY 40004

*Travis Stacy
Licking Valley R.E.C.C.
P. O. Box 605
271 Main Street
West Liberty, KY 41472