

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
APPROVAL OF THE AUTHORITY TO ISSUE UP)	
TO \$1,000,000,000 OF SECURED OR)	
UNSECURED PRIVATE PLACEMENT OR)	CASE NO.
BANK/FINANCIAL INSTITUTION DEBT)	2025-00321
OBLIGATIONS FOR THE EXECUTION OF)	
CERTAIN PRECEDENT AGREEMENTS AND FOR)	
THE USE OF INTEREST RATE MANAGEMENT)	
INSTRUMENTS)	

ORDER

On October 7, 2025, 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 treatment for an indefinite period for certain materials filed with its application, including maps of proposed property and construction attached as Exhibit 5 and precedent agreements attached as Exhibit 7.¹

In support of its motion, EKPC argued that the designated materials contain proprietary, commercially sensitive, and critical infrastructure information.² EKPC asserted that the precedent agreements contain confidential business information related to the interconnection with a pipeline operator mainline and the construction of natural gas pipeline laterals serving the Spurlock and Cooper Power Stations, including

¹ Motion for Confidential Treatment (Motion) (filed Oct. 7, 2025).

² Motion at 3–4.

associated metering and regulation stations.³ EKPC stated that disclosure of the precedent agreements could reveal proprietary business information, including operating costs, resource investment calculations, anticipated load growth, and impacts to future revenue requirements and system average costs, thereby harming EKPC's competitive position and providing an unfair commercial advantage to competitors.⁴ EKPC also argued that the maps depict critical utility infrastructure and that disclosure could create public safety risks by exposing vulnerabilities to critical energy infrastructure.⁵

Having considered the motion and the material at issue, the Commission finds that the precedent agreements contain commercially sensitive information related to EKPC's business strategy and infrastructure planning that is generally recognized as confidential or proprietary, and if publicly disclosed, could permit an unfair commercial advantage to third parties. The Commission further finds that the maps identify the location and configuration of critical utility infrastructure and that disclosure could present public safety concerns. The designated materials therefore meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, KRS 61.878(1)(c)(1), and KRS 61.878(1)(m)(1).

IT IS THEREFORE ORDERED that:

1. EKPC's October 7, 2025 Motion for confidential treatment is granted.

³ Motion at 2.

⁴ Motion at 2–3.

⁵ Motion at 3.

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 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. 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 20 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.

Entered on this 28th day of May, 2026.


PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Commissioner



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

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