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May 22, 2019

VIA HAND DELIVERY

Ms. Gwen Pinson
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602-0615

Re: *In the Matter of the Application of East Kentucky Power Cooperative, Inc. for a Declaratory Order Concerning a Transmission Line Relocation Project*, PSC Case No. 2017-00100 – **Confidential** Submission of “As-Built” Plans, Drawings and Specifications

Dear Ms. Pinson:

Pursuant to Ordering Paragraph No. 3 of the May 22, 2017 Order of the Kentucky Public Service Commission (“Commission”) in Case No. 2017-00100, East Kentucky Power Cooperative, Inc. (“EKPC”) is hereby submitting the “as-built” plans, drawings and specifications for the project to relocate a 2.16 mile section of the Spurlock-Flemingsburg 138 kV electric transmission line from one set of existing structures to another, adjacent set of existing structures. Because the information provided herein includes the maps, plans, drawings and specifications pertaining to a high-voltage electric transmission line, it is being provided under seal along with a request for confidential treatment pursuant to 807 KAR 5:001, Section 13(3) and KRS 61.878(m). This information is referred to herein as the “Confidential Information.”

The Kentucky Open Records Act exempts from disclosure certain information that would be useful to third-parties in causing disruption to the public through acts of terrorism, sabotage or war. *See* KRS 61.878(1)(m). To qualify for this exemption from public disclosure and, therefore, to maintain the confidentiality of the information, a party must establish that disclosure of the

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information would violate either of these criteria. Public disclosure of the Confidential Information identified herein would, in fact, prompt such a result.

The Confidential Information would be useful to any third-parties bent on creating public inconvenience, intimidation or crisis by virtue of undertaking acts of terrorism, sabotage or war by damaging or destroying a portion of the bulk power grid. For instance, the transmission line in question is a protected system as defined in KRS 61.878(m)(1)(f) and disclosure of the Confidential Information could be used to: (1) intimidate or coerce a public agency or all or part of the civilian population; or (2) disrupt the bulk electric grid. These uses for the Confidential Information are prohibited under KRS 61.878(m)(2). Therefore, it is well-established that Kentucky law recognizes that disclosure of such information is prohibited and that confidential treatment for the Confidential Information is required.

Moreover, the Confidential Information is distributed within EKPC only to those employees who must have access for business reasons and is generally recognized as confidential and proprietary in the energy industry. The Confidential Information for which EKPC is seeking confidential treatment is not specifically known outside of EKPC. This Confidential Information was, and remains, integral to EKPC's effective execution of its daily operations. Indeed, as the Kentucky Supreme Court has found, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary.'" *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995).

In accordance with 807 KAR 5:001, Section 13(3), please find: one copy of the Confidential Information, under seal. Due to the pervasiveness of the Confidential Information within the filing, confidentiality is sought for the all the maps, plans, drawings and specifications. One copy of the submission, in which all the Confidential Information is redacted, is also being filed herewith. EKPC respectfully requests that the Confidential Information be designated as such in perpetuity. Please return a file-stamped copy of this filing to my office.

Please do not hesitate to contact me if you have any questions.

Sincerely,



David S. Samford

Enclosures

**“AS-BUILT” PLANS,
DRAWINGS AND
SPECIFICATIONS ARE
FILED UNDER SEAL.**