

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

The Application of Kentucky Power )  
Company to Withdraw Its Tariff RTP )  
Pending Submission by the Company ) Case No. 2012-00226  
And Approval by the Commission of )  
a New Real-Time Pricing Tariff )

PUBLIC SERVICE  
COMMISSION

OCT 02 2012

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**PETITION FOR CONFIDENTIAL TREATMENT**

Kentucky Power Company (“Kentucky Power”) moves the Commission pursuant to 807 KAR 5:001, Section 7, for an Order granting confidential treatment to Kentucky Power’s October 2, 2012 Supplemental Response to KIUC 1-1.

Pursuant to 807 KAR 5:001 an original of the responses for which confidential treatment is sought is filed with this petition. Ten redacted copies also are being filed.

A. The Requests And The Statutory Standards.

The information request calls for two types of confidential information. The first consists of customer-specific information concerning purchases of electricity from Kentucky Power as well as details of customer accounts with Kentucky Power. In addition to information regarding parties represented by KIUC in this proceeding, the responses include consumption and energy cost information of commercial and industrial customers of Kentucky Power who are not represented by KIUC in this proceedings, and who are not taking service under Tariff R.T.P. Second, certain of the information for which confidential treatment is sought consists of confidential information

that could be used by unauthorized third parties to access internal Kentucky Power and American Electric Power Company, Inc. communications or records.

Kentucky Power does not object to providing to the Commission the data sought in KIUC 1-1. However, the data should be afforded confidential treatment.

KRS 61.878(1)(c)(1) excludes from the Open Records Act:

Upon and after July 15, 1992, records confidentially disclosed to an agency or required to be disclosed to it, 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.

Moreover, KRS 61.878(1)(a) excludes:

Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

These exceptions apply to the October 2, 2012 Supplemental Response to KIUC 1-1.

- B. The Nature of Kentucky Power's Injury that Will Result from Disclosure of the Confidential Information.
  - 1. Customer-Specific Information.

The information for which confidential treatment is being sought involves the energy usage and cost for industrial entities in competitive markets such as petroleum refining, steel production, retail, and chemical manufacture. Energy costs can represent a substantial portion of the cost of the customers products. Such information, as well as customer specific information such as account numbers, are considered confidential information by the parties to those contracts. Disclosure of the responses will place the energy costs of the industrial customers in the public domain and thereby place the customers at a commercial disadvantage. This threat could have the effect of

discouraging these and other industrial and commercial customers from locating or expanding in Kentucky Power's service territory.

2. Confidential Information That Could Be Used To Gain Access To AEP And Kentucky Power Internal Communications.

Kentucky Power also seeks confidential treatment for call-in numbers and other information that could be used by third-parties to gain access to Kentucky Power and AEP confidential internal communications (including attorney-client communications), and data and information that could be used illegally to gain an unfair competitive advantage with respect to Kentucky Power and AEP.

C. The Information Is Generally Recognized As Confidential and Proprietary.

First, the records to be filed with the Commission are "generally recognized as confidential or proprietary." The requests at issue in this motion call for sensitive information that is treated as confidential by Kentucky Power and its customers. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power and AEPSC. The Company and AEP take all reasonable measures to prevent its disclosure to the public as well as persons within the Company who do not have a need for the information. Moreover, confidentiality requirements are often included in the contracts the Company has entered into with most, if not all, of its industrial customers.

D. Disclosure Of The Information Will Result In An Unfair Commercial Disadvantage for Kentucky Power.

In general, the disclosure of the confidential information will place Kentucky Power at an unfair commercial disadvantage. As set forth above, energy costs represent a significant component of the costs of operation for many of Kentucky

Power's large industrial customers. These customers require Kentucky Power to maintain this information as confidential, presumably because public dissemination would place them at a commercial disadvantage vis-à-vis their competitors. If this information is required to be disclosed publicly then industrial customers will be less likely to locate or expand in Kentucky Power's service territory. The impaired ability to attract such customers will place Kentucky Power at a competitive disadvantage as compared to electric utilities not subject to this disclosure requirement.

Likewise, competitors could use access to Kentucky Power's confidential internal communications to the disadvantage of Kentucky Power.

E. The Information Is Required To Be Disclosed To An Agency.

The records requested in KIUC 1-1 are by the terms of the request required to be disclosed to the Commission, a "public agency" as that term is defined at KRS 61.870(1).

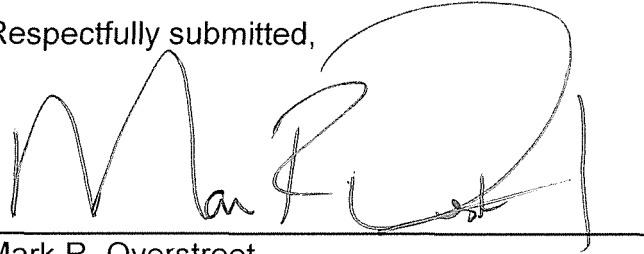
F. The Information That Is Personal To Kentucky Power's Customers And Public Disclosure Would Impair Reasonable Privacy Expectations.

In addition to the risk of competitive injury to Kentucky Power set forth above, disclosure of the customer-specific information at issue in KIUC 1-1 violates the reasonable privacy expectations of the customers. Kentucky Power's customers require the Company to maintain this information as confidential. They have no expectation that the information will be publicly disclosed. Moreover, no public interest is served through the disclosure of the energy purchases made by private parties.

Wherefore, Kentucky Power Company respectfully requests the Commission to enter an Order:

1. According confidential status to and withholding from public inspection that portion of Kentucky Power's October 2, 2012 Supplemental Response to KIUC 1-1 for which confidential treatment is sought; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark R. Overstreet", written over a horizontal line.

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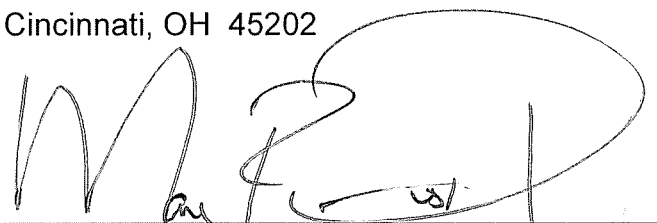
COUNSEL FOR KENTUCKY POWER  
COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing (along with redacted copies of the information for which confidential treatment is sought) was served by first class mail, postage prepaid, upon the following parties of record, this 2<sup>nd</sup> day of October, 2012.

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