

RECEIVED

SEP 10 2013

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter Of:

**THE APPLICATION FOR GENERAL
ADJUSTMENT OF ELECTRIC RATES
OF KENTUCKY POWER COMPANY**

CASE NO. 2013-00197

**MOTION OF KENTUCKY POWER COMPANY
FOR CONFIDENTIAL TREATMENT**

Kentucky Power Company ("Kentucky Power" or the "Company") moves the Public Service Commission of Kentucky pursuant to 807 KAR 5:001, Section 13(2), for an Order granting confidential treatment to the identified portions of its response to data requests from Commission Staff and from Kentucky Industrial Utility Customers, Inc. ("KIUC"). Specifically, Kentucky Power seeks confidential treatment of the identified portions of Attachment 1 to its response to Commission Staff Data Request 2-42 and Attachments 1 and 2 to its response to KIUC Data request 1-15.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal those portions its responses for which it is seeking confidential treatment with the confidential portions highlighted in yellow. Kentucky Power is also filing a redacted version of the same. Kentucky Power will notify the Commission when it determines the information for which confidential treatment is sought is no longer confidential.

A. The Requests And The Statutory Standard.

Kentucky Power does not object to filing the identified information for which it is seeking confidential treatment, but requests that the identified portions of the responses be excluded from the public record and public disclosure.

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.

This exception applies to the following information for which Kentucky Power is seeking confidential treatment:

(a) **Attachment 1 to Commission Staff Data Request 2-42**

Kentucky Power seeks confidential treatment for the identified portions of Attachment 1 to Commission Staff Data Request 42. Attachment 1 provides usage and demand data for both historic and forecasted periods for a single customer. The customer operates in a competitive industry. Energy costs can represent a substantial portion of the cost of this customer's products. Such information is considered confidential information by Kentucky Power, its customers, and, Kentucky Power believes, the industry involved. Disclosure of the attachment will place the historic and forecasted energy costs of the identified customer in the public domain and thereby place the customer at a commercial disadvantage. This threat could have the effect of discouraging this and other industrial and commercial customers from locating or expanding in Kentucky Power's service territory. The resulting loss of load would harm Kentucky Power and shift cost recovery to other customers. In addition, since the forecasted data was developed in confidence, release of this data would severely damage the relationship between Kentucky Power and this customer.

Kentucky Power seeks confidential treatment of the identified information in Attachment 1 to Commission Staff Data Request 2-42 until such time as the customer no longer seeks generation supply from the Company. At that time, the disclosure of the identified information

will no longer result in any competitive harm to the Company's customers and the Company as a whole.

Similar customer-specific usage information was accorded confidential treatment by letters dated December 19, 2012 in Case No. 2012-00226.¹

(b) Attachments 1 and 2 to KIUC Data Request 1-15

Kentucky Power seeks confidential treatment for the identified portions of Attachments 1 and 2 to KIUC Data Request 1-15. Attachments 1 and 2 include detailed information about the Company's expectations for the market operation of its power plants. Public disclosure of this forecasted information would cause Kentucky Power to suffer competitive injury because other participants in the PJM energy market would gain insight into the Company's internal analyses of sales to the market. With this information, the Company's competitors would have the ability to manipulate their bids into the market in a way that directly hurts the Company's ability to make off-system sales. If this were to occur, the Company's off-system sales margins would be reduced to the detriment of its customers.

Kentucky Power seeks confidential treatment of the identified information in Attachments 1 and 2 to its response to KIUC Data Request 1-15 through January 1, 2015. The attachments contain information about the Company's forecasts for 2014. Once the forecast period has passed, the information will no longer provide the Company's competitors with any competitive advantage.

¹ *In the Matter of: The Application of Kentucky Power Company to Withdraw Its Tariff RTP Pending Submission by the Company And Approval by the Commission of a New Real-Time Pricing Tariff*, Case No. 2012-00226 (Ky. P.S.C. December 19, 2012).

B. The Identified Information is Generally Recognized As Confidential and Proprietary and Public Disclosure Of It Will Result In An Unfair Commercial Advantage for Kentucky Power's Competitors.

The identified information required to be disclosed by Kentucky Power in response to Commission Staff Data Request 2-42 and KIUC Data Request 1-15 is highly confidential. The confidential information is not generally known or readily ascertainable by other parties through normal or proper means. No reasonable amount of legitimate independent research could yield this confidential information to other parties. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power, its affiliated operating companies, AEP, and AEPSC (the "AEP Entities"). The AEP Entities take all reasonable measures to prevent its disclosure to the public as well as persons within the AEP Entities who do not have a need for the information. The information is not disclosed to persons outside the AEP Entities. Within those organizations, the information is available only upon a confidential need-to-know basis that does not extend beyond those employees with a legitimate business need to know and act upon the identified information.

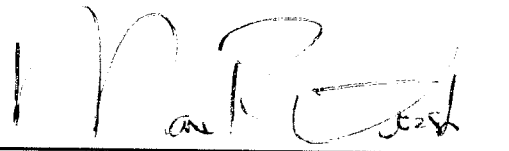
C. The Identified Information Is Required To Be Disclosed To An Agency.

The identified information is by the terms of the Commission's Order required to be disclosed to the Commission. The Commission is a "public agency" as that term is defined at KRS 61.870(1). Any filing should be subject to a confidentiality order and any party requesting such information should be required to enter into an appropriate confidentiality agreement.

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

1. According confidential status to and withholding from public inspection the identified information; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



Mark R. Overstreet
R. Benjamin Crittenden
STITES & HARBISON PLLC
421 West Main Street
P. O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477

Kenneth J. Gish, Jr.
STITES & HARBISON PLLC
250 West Main Street, Suite 2300
Lexington, Kentucky 40507
Telephone: (859) 226-2300

COUNSEL FOR KENTUCKY POWER
COMPANY

CERTIFICATE OF SERVICE

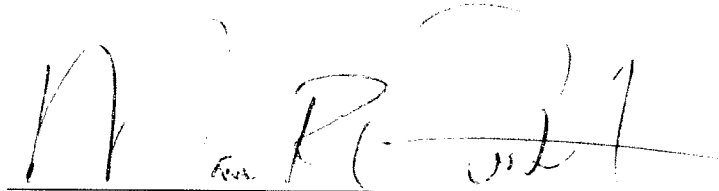
I hereby certify that a true and accurate copy of the foregoing was mailed by first class mail, postage prepaid, on the following:

Michael L. Kurtz
Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

Jennifer Black Hans
Dennis G. Howard II
Lawrence W. Cook
Kentucky Attorney General's Office
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204

Don C.A. Parker
Derrick Price Williamson
Spillman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, Pennsylvania 17050

on this the 11th day of September, 2013.

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

Mark R. Overstreet