

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW PURSUANT TO 807 KAR 5:058)
OF THE 1991 INTEGRATED RESOURCE) CASE NO. 91-337
PLAN OF KENTUCKY POWER COMPANY)

O R D E R

This matter arising upon petition of Kentucky Power Company ("Kentucky Power") filed January 10, 1992 and amended January 17, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain information supplied in its responses to Items 9(c), 36 and 43(1) and (3) of the Commission's Initial Data Request and its responses to Items 15, 34 and 35 of the Attorney General's Initial Data Request on the grounds that disclosure of the information is likely to cause Kentucky Power competitive injury, and it appearing to this Commission as follows:

The purpose of this proceeding is to review the effectiveness of Kentucky Power's 1991 Integrated Resource Plan. As part of that review, Kentucky Power has been requested to furnish certain information by both the Commission and the Attorney General, who has intervened in this proceeding. On January 10, 1992, Kentucky Power petitioned to protect as confidential certain information filed in response to six of those data request items. On January 17, 1992, Kentucky Power notified the Commission that the petition originally sought confidential protection for information filed in response to Item 43(5) of the Commission's Initial Data Request

and withdrew the request for confidential protection of that information from the petition.

The information sought to be protected consists of certain designated portions of customer surveys and marketing research studies compiled by Kentucky Power. Kentucky Power contends that disclosure of this information is likely to cause it competitive injury.

Information filed with the Commission is required by KRS 61.872(1) to be maintained for public inspection unless specifically exempted by statute. Exemptions from disclosure are provided in KRS 61.878(1). That section of the statute permits public agencies to protect as confidential 10 separate categories of information. 807 KAR 5:001, Section 7, establishes the procedure for obtaining confidential protection of information which qualifies for the exemption.

One of the categories of information exempted from disclosure is provided in KRS 61.878(1)(b) for certain commercial information confidentially disclosed to the agency. To qualify for that exemption, it must be established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Commission Data Request Items 9(c) and 36 and the Attorney General Data Request Items 15, 34 and 35 seek Kentucky Power's

residential customer surveys of 1987, 1990 and the most recent such survey. These surveys contain detailed information on end-use appliance saturation, energy use and customer-specific information. Competing energy providers could use this information to devise market strategies to more effectively compete against Kentucky Power. Thus, disclosure of this information is likely to cause Kentucky Power competitive injury and it should be protected as confidential.

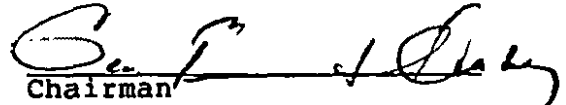
Commission Data Request Item 43 requests copies of certain market research studies conducted by Kentucky Power. Specifically, Item 43(1) requests Kentucky Power's Business Retention and Loss study and Item 43(3) requests Kentucky Power's Advertising Effectiveness Research study. The information in these studies would also provide a marketing tool by which Kentucky Power's competitors could more effectively compete against Kentucky Power. Therefore, this information should also be protected as confidential.

This Commission being otherwise sufficiently advised,

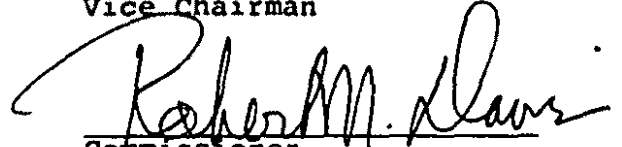
IT IS ORDERED that Kentucky Power's responses to the Commission's Initial Data Request Items 9(c), 36 and 43(1) and (3) and the Attorney General's Initial Data Request Items 15, 34 and 35, which Kentucky Power has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 31st day of January, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director