

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	
CLAUSE OF KENTUCKY POWER COMPANY)	CASE NO.
FROM MAY 1, 2017 THROUGH)	2018-00018
OCTOBER 31, 2017)	

ORDER

On March 6, 2018, Kentucky Power Company (“Kentucky Power”) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of: 1) attachments 2, 3, and 4 to Response 4; and 2) attachment 1 to Response 21; which contain information requested in an Appendix to the Commission’s Order dated February 16, 2018.

Specifically, Kentucky Power seeks confidential treatment of: 1) the information provided by non-selected third parties in response to written coal-supply solicitations issued by Kentucky Power (attachments 2, 3, and 4 to Response 4); and 2) information provided to Kentucky Power under license from *Platts Gas Daily* and utilized by Kentucky Power in performing calculations for determining Kentucky Power’s “peaking unit equivalent” (attachment 1 to Response 21).

Kentucky Power requests that the information in the identified portion of Attachments 2, 3 and 4 to Response 4 remain confidential for five years, because this information was provided to Kentucky Power by non-selected third parties in response to written requests. This information provides insight into the process by which

Kentucky Power evaluates bids for coal supply solicitations. Kentucky Power contends that disclosure of the information could affect Kentucky Power's ability to obtain competitive bids in future solicitations by having a chilling effect on the willingness of bidders to submit responses to future coal-supply solicitations.

Regarding Attachment 1 to Response 21, Kentucky Power states that public disclosure of this information would cause Kentucky Power to violate the terms of its license agreement with the publisher of *Platts Gas Daily*, and that this could result in the information no longer being made available to the Kentucky Power. Kentucky Power requests that this information remain confidential indefinitely.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Attachments 2, 3 and 4 to Response 4 and, Attachment 1 to Response 21, is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's petition for confidential protection for Attachments 2, 3, and 4 to Response 4, and Attachment 1 to Response 21, is granted.
2. Attachments 2, 3, and 4 to Response 4 shall not be placed in the public record or made available for public inspection until five years from the date of this Order, or until further Orders of this Commission.
3. Attachment 1 to Response 21 shall not be placed in the public record or made available for public inspection until further Orders of this Commission.

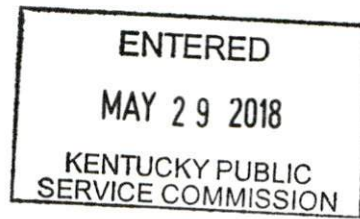
4. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Kentucky Power shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

6. If a non-party 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, then Kentucky Power 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 Kentucky Power is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

*Amy J Elliott
Kentucky Power Company
855 Central Avenue, Suite 200
Ashland, KY 41101

*Kentucky Power Company
855 Central Avenue, Suite 200
Ashland, KY 41101

*Kenneth J Gish, Jr.
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KENTUCKY 40507

*Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634