

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF KENTUCKY POWER COMPANY)	2019-00002
FROM NOVEMBER 1, 2017 THROUGH)	
OCTOBER 31, 2018)	

ORDER

On February 25, 2019, 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 its responses to Commission Staff Requests for information, which were in an Appendix to the Commission's Order dated February 11, 2019. The material for which Kentucky Power seeks confidential treatment are: (1) attachments 2 and 4 to Kentucky Power's response to Commission Staff Data Request 4 (Response 4); (2) attachments 1 and 2 to Kentucky Power's response Commission Staff Data Request 30 (Response 30); (3) attachment 1 to Kentucky Power's response Commission Staff Data Request 31 (Response 31); and (4) attachment 1 to Kentucky Power's response Commission Staff Data Request 32 (Response 32).

Specifically, Kentucky Power seeks confidential treatment for the information in attachments 2 and 4 to Response 4, which was provided by non-selected third parties in response to written coal-supply solicitations issued by Kentucky Power.

Kentucky Power requests that the information in the identified portion of attachments 2 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 asserts that prior 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.

Kentucky Power requests that the information in the identified portion of attachments 1 and 2 to Response 30 remain confidential until January 1, 2021, because this information provides Kentucky Power's forecasts of the natural gas consumed at Big Sandy Unit 1 and the corresponding costs. Kentucky Power asserts that the forecasts are competitive and proprietary information used in pricing of its competitive products and release of this information would allow competitors and suppliers to formulate competitive bidding strategies in PJM, causing Kentucky Power's units to operate and sell less, thus resulting in higher costs to Kentucky Power's customers.

Kentucky Power requests that the information in the identified portion of Attachment 1 Response 31 remain confidential until January 1, 2021, because this information provides Kentucky Power's revenue forecasts which are confidential commercial information. Kentucky Power asserts that disclosure of the revenue forecasts in conjunction with the disclosure of forecasted sales would allow reverse engineering of Kentucky Power's price forecasts. Kentucky Power asserts that, for its electricity sales through PJM Interconnection, LLC, competitors and suppliers formulate competitive

bidding strategies in PJM, causing Kentucky Power's units to operate and sell less, thus resulting in higher costs to Kentucky Power's customers.

Kentucky Power requests that the information in the identified portion of attachment 1 Response 32 remain confidential until January 1, 2021, because this information provides Kentucky Power's planned maintenance outages for Kentucky Power's generation fleet. Kentucky Power asserts that public disclosure of this information could adversely affect Kentucky Power's customers by providing a competitive advantage to its direct competitors and affect Kentucky Power's ability to minimize costs for its customers. Specifically, Kentucky Power asserts that marketers who speculate in forward energy transactions could use this information to improve their forecast accuracy of the price of Kentucky Power's energy prices, thus resulting in higher costs to Kentucky Power's customers.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in attachments 1 and 2 to Response 4, attachments 1 and 2 to Response 30, attachment 1 to Response 31, and attachment 1 to Response 32 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 1 and 2 to Response 4, attachments 1 and 2 to Response 30, attachment 1 to Response 31, and attachment 1 to Response 32 is granted.

2. Attachments 1 and 2 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. Attachments 1 and 2 to Response 30, attachment 1 to Response 31, and attachment 1 to Response 32 shall not be placed into the public record until January 1, 2021, or until further Orders of this Commission.

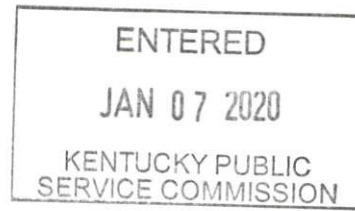
4. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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 30 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 30 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:


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