

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF KENTUCKY POWER COMPANY)	2019-00226
FROM NOVEMBER 1, 2018 THROUGH APRIL)	
30, 2019)	

ORDER

On August 23, 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 August 12, 2019. The material for which Kentucky Power seeks confidential treatment are attachments 2 and 3 to Kentucky Power's response to Commission Staff Data Request 4 (Response 4).

Specifically, Kentucky Power seeks confidential treatment for the information in attachments 2 and 3 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 3 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.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in attachments 2 and 3 to Response 4 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 and 3 to Response 4 is granted.

2. Attachments 2 and 3 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. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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

5. 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.

6. 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.

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By the Commission

ENTERED
MAR 30 2020 TCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2019-00226

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