

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR (1) A GENERAL	)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC	)	
SERVICE; (2) AN ORDER APPROVING ITS 2017	)	
ENVIRONMENTAL COMPLIANCE PLAN; (3) AN	)	CASE NO.
ORDER APPROVING ITS TARIFFS AND	)	2017-00179
RIDERS; (4) AN ORDER APPROVING	)	
ACCOUNTING PRACTICES TO ESTABLISH	)	
REGULATORY ASSETS AND LIABILITIES; AND	)	
(5) AN ORDER GRANTING ALL OTHER	)	
REQUIRED APPROVALS AND RELIEF	)	

ORDER

On May 4, 2023, Kentucky Power Company (Kentucky Power) filed a motion, pursuant to 807 KAR 5:001E, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for materials filed as required by the Commission's January 18, 2018 Order.

Kentucky Power requested confidential treatment under KRS 61.878(1)(c)(1), which prohibits public disclosure of records confidentially disclosed to an agency that are generally recognized as confidential or proprietary, and, if openly disclosed, would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

Kentucky Power characterizes these records as Fixed Resource Requirement/Reliability Pricing Model (FRR/RPM) election analysis. The designated material includes the analyses and FRR/RPM elections made by Kentucky Power and other American Electric Power Company, Inc. (AEP) operating companies that operate in

the PJM Interconnection LLC (PJM) Base Residual Auction of the PJM 2025/2026 planning year. Kentucky Power requested confidential treatment until April 15, 2025, for Delivery Year 2025/2026 information on Slide 4 of the designated material and until April 15, 2026, for Delivery Year 2026/2027 information on Slide 5 of the designated material.

Kentucky Power argued that this information is used in the PJM Base Residual Auction bidding process, and public disclosure would permit its competitors to alter their bidding strategies to Kentucky Power's detriment.

The Commission notes that the designated material is the same type of information that has been filed annually in accordance with the January 18, 2018 Order and that the Commission granted confidential treatment to the information previously.<sup>1</sup>

Having considered the motion and the material at issue, the Commission finds that Kentucky Power's motion should be granted because the designated material, which includes planned bid amounts and calculations demonstrating how this bid was arrived at, is generally recognized as confidential or proprietary. Competitors bidding in this auction could use this information to manipulate the bidding process to Kentucky Power's detriment. The designated material therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential treatment is granted.

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<sup>1</sup> See Order (Ky. PSC Jan. 18, 2018); Order (Ky. PSC Apr. 23, 2021); Order (Ky. PSC Jan. 7, 2022); and Order (Ky. PSC Nov. 9, 2023).

2. The Delivery Year 2025/2026 information on Slide 4 of the designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection until April 15, 2025, or until further Order of this Commission.

3. The Delivery Year 2026/2027 information on Slide 5 of the designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection until April 15, 2026, or until further Order of this Commission.

4. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001E, Section 13(9).

5. Kentucky Power shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

6. If a nonparty 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, 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 from the date of service of an Order finding that the material no

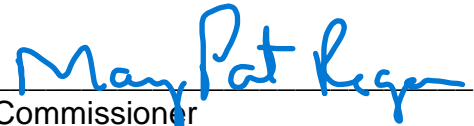
longer qualifies for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ENTERED  
JUN 06 2023  
rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*William H May, III  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*James W Gardner  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507

\*Kentucky Power Company  
Kentucky Power Company  
1645 Winchester Avenue  
Ashland, KY 41101

\*Barry Alan Naum  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Jody M Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

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

\*Carrie M Harris  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Janice Theriot  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY 40202

\*Katie M Glass  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634

\*Don C Parker  
Spilman Thomas & Battle, PLLC  
300 Kanawha Blvd, East  
Charleston, WEST VIRGINIA 25301

\*Justin M. McNeil  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Elizabeth Sekula  
American Electric Power Service Corporation  
1 Riverside Plaza, 29th Floor  
Post Office Box 16631  
Columbus, OHIO 43216

\*Honorable Kurt J Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Laurence J Zielke  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY 40202

\*Gregory T Dutton  
Frost Brown Todd, LLC  
400 West Market Street  
32nd Floor  
Louisville, KENTUCKY 40202-3363

\*Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Mark E Heath  
Spilman Thomas & Battle, PLLC  
300 Kanawha Blvd, East  
Charleston, WEST VIRGINIA 25301

\*Hector Garcia-Santana  
American Electric Power Service Corporation  
1 Riverside Plaza, 29th Floor  
Post Office Box 16631  
Columbus, OHIO 43216

\*Kentucky Power Company  
1645 Winchester Avenue  
Ashland, KY 41101

\*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Honorable Matthew R Malone  
Attorney at Law  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

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

\*Morgain Sprague  
Kentucky League of Cities  
101 East Vine Street  
Suite 800  
Lexington, KENTUCKY 40507

\*Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Ranie Wohnhas  
Managing Director  
Kentucky Power Company  
855 Central Avenue Suite 200  
Ashland, KENTUCKY 41101

\*M. Todd Osterloh  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507