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PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter Of:

**APPLICATION OF KENTUCKY POWER COMPANY FOR (1) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE TRANSFER TO THE COMPANY OF AN UNDIVIDED FIFTY PERCENT INTEREST IN THE MITCHELL GENERATING STATION AND ASSOCIATED ASSETS; (2) APPROVAL OF THE ASSUMPTION BY KENTUCKY POWER COMPANY OF CERTAIN LIABILITIES IN CONNECTION WITH THE TRANSFER OF THE MITCHELL GENERATING STATION; (3) DECLARATORY RULINGS; (4) DEFERRAL OF COSTS INCURRED IN CONNECTION WITH THE COMPANY'S EFFORTS TO MEET FEDERAL CLEAN AIR ACT AND RELATED REQUIREMENTS; AND (5) ALL OTHER REQUIRED APPROVALS AND RELIEF**

CASE NO. 2012-00578

**MOTION OF KENTUCKY POWER COMPANY  
FOR CONFIDENTIAL TREATMENT**

Kentucky Power Company ("Kentucky Power") moves the Commission pursuant to 807 KAR 5:001, Section 13(2), for an Order granting confidential treatment to the identified portions of its responses to data requests from the Commission Staff and Kentucky Industrial Utility Customers, Inc. ("KIUC"). Specifically, Kentucky Power seeks confidential treatment of its

responses to (1) Commission Staff Data Request 4-3<sup>1</sup> and (2) the 4<sup>th</sup> and 6<sup>th</sup> requests set forth in KIUC's letter of May 13, 2013 in their entirety.

In addition, Kentucky Power notifies the parties that the .SAV excel files, produced in response to the 5<sup>th</sup> request in KIUC's May 13<sup>th</sup> letter, will only be provided to KIUC and will not be provided to the other parties. The .SAV file was generated with software that is proprietary, and the file can be utilized only by a party holding the proper software license.

Pursuant to 807 KAR 5:001, Section 13(2)(b), Kentucky Power is seeking confidential treatment of the documents provided in response to these requests in their entirety. Kentucky Power will notify the Commission when it determines the information for which confidential treatment is sought is no longer confidential.

A. The Identified Requests And The Statutory Standard.

Kentucky Power does not object to filing the information for which it is seeking confidential treatment, but requests that the documents be excluded from the public record and public disclosure. The Company likewise does not object to providing the identified information to those parties to this proceeding that execute an appropriate confidentiality agreement.

KRS 61.878(1)(c)(1) excludes from the Open Records Act:

Upon and after July 15, 1992, records confidentially disclosed to an agency or required to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

The requests at issue pertain to information used by Kentucky Power witness Scott C. Weaver to conduct analyses included in the rebuttal testimony he has filed in this proceeding. The responsive documents include gross cash flow information, revenue information, and expense

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<sup>1</sup> In addition, in response to Commission Staff Data Requests 4-5, Kentucky Power refers to Attachment 2 to its prior response to KIUC Data Request 2-29e. Kentucky Power has previously sought confidential treatment for portions of Attachment 2 to KIUC Data Request 2-29e, and its motion remains pending before the Commission.

information not subject to public disclosure. If made available publically, competitors would be able to use the information in the marketing, pricing, and selling of electricity and assets in Kentucky and other jurisdictions. Kentucky Power previously sought confidential protection for this information both in its response to KIUC 2-55 and in connection with the filing of Mr. Weaver's rebuttal testimony. Those motions remain pending before the Commission.

Kentucky Power seeks confidential treatment for a period of twenty years, which is the period of projected gross cash flow, revenues and expenses at issue.

B. The Identified Information is Generally Recognized As Confidential And Proprietary and Public Disclosure Of It Will Result In An Unfair Commercial Advantage for Kentucky Power's Competitors.

The identified information is highly confidential. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power, Ohio Power Company, AEP, and AEPSC (the "AEP Entities"). The AEP Entities take all reasonable measures to prevent its disclosure to the public as well as persons within the AEP Entities who do not have a need for the information. The information is not disclosed to persons outside the AEP Entities. Within those organizations, the information is available only upon a confidential need-to-know basis that does not extend beyond those employees with a legitimate business need to know and act upon the identified information.

C. The Identified Information Is Required To Be Disclosed To An Agency.

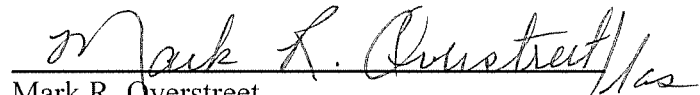
The identified information is by the terms of the Commission's scheduling order and Commission practice required to be disclosed to the Commission. The Commission is a "public agency" as that term is defined at KRS 61.870(1). Any filing should be subject to a confidentiality order and any party requesting such information should be required to enter into an appropriate confidentiality agreement.

Wherefore, Kentucky Power Company respectfully requests the Commission to enter an

Order:

1. According confidential status to and withholding from public inspection the identified information; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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COUNSEL FOR KENTUCKY POWER  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by first class mail, postage prepaid, upon the following parties of record, this 22nd day of May, 2013.

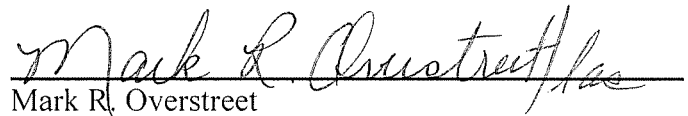
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