

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY FOR A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY AUTHORIZING)	2013-00430
THE COMPANY TO CONVERT BIG SANDY UNIT)	
1 TO A NATURAL GAS-FIRED UNIT AND FOR)	
ALL OTHER REQUIRED APPROVALS AND)	
RELIEF)	

ORDER

This matter arises on a petition filed on December 6, 2013, by Kentucky Power Company (Kentucky Power) pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for the life of Big Sandy Unit 1 for critical energy infrastructure information (CEII) and for five years for the request for proposal (RFP) information.

In support of its petition filed on December 6, 2013, Kentucky Power states that the CEII information consists of maps containing detailed information regarding the production, generation, transportation, or distribution of energy, and that public disclosure of such information is prohibited under KRS 61.678(1)(m). Kentucky Power further states that the designated materials contained in its RFP include bid information and pricing terms that would result in competitive injury if publicly disclosed, and thus should be deemed confidential pursuant to KRS 61.878(1)(c).

Having considered the petition and the materials at issue, the Commission finds that:

1. The designated materials pertaining to CEII meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c).

2. The five-year period for which Kentucky Power requests confidential treatment for the designated materials pertaining to the RFP has run and, therefore, the request should be denied as moot.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's December 6, 2013 petition for confidential protection is granted in part and denied in part.

2. Kentucky Power's request for confidential treatment for the designated material pertaining to CEII is granted.

3. Kentucky Power's request for confidential treatment for the designated material pertaining to the RFP is denied as moot.

4. The designated materials pertaining to CEII shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

5. Use of the designated materials pertaining to CEII in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

6. Kentucky Power shall inform the Commission if the designated materials pertaining to CEII become publicly available or no longer qualify for confidential treatment.

7. If a non-party to this proceeding requests to inspect the designated materials pertaining to CEII that were granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, Kentucky Power shall have 30 days from receipt of written notice of the request

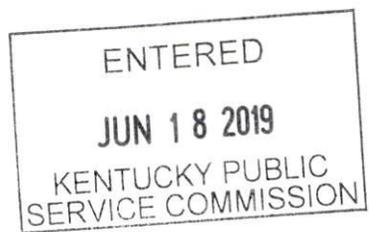
to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

8. The Commission shall not make the designated materials pertaining to CEII available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

9. Within 30 days of the date of this Order, Kentucky Power shall file revised pages reflecting as unredacted the designated materials pertaining to the RFP that has been denied confidential treatment.

10. The designated materials pertaining to the RFP for which confidential protection was denied shall not be placed in the public record for 30 days following the date of this Order to allow Kentucky Power to seek any remedy afforded by law.

By the Commission



ATTEST:


Executive Director

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

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

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