

-COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INTEGRATED RESOURCE PLANNING REPORT)
OF KENTUCKY POWER COMPANY TO THE) CASE NO. 2013-00475
KENTUCKY PUBLIC SERVICE COMMISSION)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On December 20, 2013, February 20, 2014, and March 21, 2014, Kentucky Power Company ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion filed on December 20, 2013, Movant states that the information it is requesting to be held confidential is contained in its Integrated Resource Plan ("IRP"). The information is more particularly described as Chapter 2 of the Confidential Appendix, Exhibits 4-4, 4-6, 4-9, 4-16, and 4-17, which contain projections regarding specific customer usage, projected fuel costs, variable production costs, actual and forecast electricity prices, non-fuel O&M generation, and as detailed maps of transmission and generation facilities.

On February 20, 2014, Movant filed an additional motion for confidential treatment stating that the information it is requesting to be held confidential is contained in its Responses to Sierra Club's Initial Requests for Information to Kentucky Power Company Nos. 1-2, 1-3, 1-14, 1-21, and 1-24, Attachment 2, more particularly described as its 2013 IRP in electronic format, including exhibits which have been requested to be treated as confidential; electronic modeling files; customer name and account number;

responses to a request for proposal ("RFP") seeking bids to supply generating capacity, costs and pricing terms; and evaluations regarding market participation. Movant incorporated its December 20, 2013 motion into this motion, stating that the response to Sierra Club's Supplemental Request for Information No. 2-1 contains the same information for which confidentiality was previously requested.

Kentucky Power Company filed a third motion for confidential treatment on March 21, 2014, incorporating by reference its February 20, 2014 motion and requesting confidential treatment for portions of its Responses to Sierra Club's Supplemental Requests for Information Nos. 2-1, 2-2, 2-6, and 2-10 regarding Kentucky Power's participation in the PJM Interconnection's ("PJM") market, and also containing some of the same information as previously filed in responses addressed in the February 20, 2014 motion. The March 21, 2014 motion requests confidentiality for information described as the evaluation regarding Movant's participation in the PJM market and information relating to previously filed responses to parties' initial requests for information.

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

1. Chapter 2 of the Confidential Appendix contains actual and forecast electricity prices by sector for the years 1987 through 2042. Movant has failed to demonstrate that the disclosure of historical price information would subject it to a competitive disadvantage. Therefore the information in pages 236 through 244 of the Confidential Appendix in the IRP filing and in response to Sierra Club's Initial Request for Information No. 1-2 do not meet the standard for confidentiality under KRS 61.878.

2. Chapter 2 of the Confidential Appendix, excepting pages 236 through 244, Exhibits 4-4, 4-6, and 4-9 to Movant's Application; the identical exhibits contained in response to Sierra Club's Initial Request for Information No. 1-2; responses to Sierra Club's Initial Requests for Information Nos. 1-3, 1-14; and responses to Sierra Club's Supplemental Requests for Information Nos. 2-1, 2-2, and 2-6 for which Movant seeks confidential treatment and disclosure of which would permit an unfair commercial advantage to Movant's competitors should not be placed in the public record or made available for public inspection for a period of three years from the date of this Order, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

3. Exhibits 4-16 and 4-17 to Movant's IRP filing and the identical exhibits contained in response to Sierra Club's Initial Request for Information No. 1-2 to Movant's Application for which Movant seeks confidential treatment consist of transmission system maps which qualify as critical infrastructure information and should not be placed in the public record or made available for public inspection indefinitely.

4. Response to Sierra Club's Initial Request for Information No. 1-21, Attachment 1, for which Movant seeks confidential treatment are the bids received in response to an RFP and as disclosure would permit an unfair commercial advantage to Movant's competitors it should not be placed in the public record or made available for public inspection for a period of five years from the date of this Order, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c), unless Movant enters into a contract with one or more of the bidders, at which time the need for confidentiality will be re-examined.

5. Movant requested confidential treatment of the responses to Sierra Club's Initial Request for Information No. 1-24, Attachment 2, and Sierra Club's Supplemental Request for Information No. 2-10, Attachment 1, until May 17, 2014, which time has now passed, and the materials no longer qualify for confidential protection pursuant to KRS 61.878.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted in part and denied in part.

2. Movant's motion for confidential treatment of Chapter 2 of the Confidential Appendix, pages 236 through 244, is denied. Movant shall provide an unredacted copy of pages 236 through 244 of the Confidential Appendix to be placed in the public record.

3. Chapter 2 of the Confidential Appendix, excepting pages 236 through 244, Exhibits 4-4, 4-6, and 4-9 to Movant's Application, in paper and electronic format in response to Sierra Club's Initial Request for Information No. 1-2, Sierra Club's Initial Requests for Information Nos. 1-3 and 1-14, and Sierra Club's Supplemental Requests for Information Nos. 2-1, 2-2, and 2-6 for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection for a period of three years from the date of this Order, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878.

4. Exhibits 4-16 and 4-17, in paper and electronic format in response to Sierra Club's Initial Request for Information No. 1-2 to Movant's Application for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection indefinitely pursuant to KRS 61.878.

5. Sierra Club's Initial Request for Information No. 1-21, Attachment 1, for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection for a period of five years from the date of this Order pursuant to KRS 61.878, unless Movant enters into a contract with one or more of the bidders, at which time the need for confidentiality will be re-examined.

6. Sierra Club's Initial Request for Information No. 1-24, Attachment 2, and Sierra Club's Supplemental Request for Information No. 2-10, Attachment 1, for which Movant sought confidential treatment until May 17, 2014, no longer qualify for confidential protection pursuant to KRS 61.878 due to the passage of time. Movant's request for confidentiality is accordingly denied as moot.

7. At the end of the confidential periods, the materials shall be placed in the public record. The Movant may request that the materials continue to be treated as confidential but must demonstrate that the materials still fall within the exclusions established in KRS 61.878.

8. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the materials in question after the end of the period set forth in ordering paragraph 2.

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

10. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

11. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 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 Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission

ENTERED JUL 18 2014 KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

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Case No. 2013-00475

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