

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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JUN 23 2015

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Douglas and Sylvia Morrison )  
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 )  
 Complainants )  
 v. )  
 )  
 Kentucky Power Company )  
 )  
 )  
 Defendant )

Case No. 2015-00136

**Motion For Confidential Treatment**

Kentucky Power Company moves the Public Service Commission of Kentucky pursuant to 807 KAR 5:001, Section 13(2), for an Order granting confidential treatment to customer-specific personal information regarding the Morrison's account with Kentucky Power. The confidential personal information for which protection is sought is found in the Company's responses to the following data requests:

- (a) KPSC 1-1;
- (b) KPSC 1-3;
- (c) KPSC 1-4;
- (d) KPSC 1-6;
- (e) KPSC 1-7; and
- (f) KPSC 1-8.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal those portions of the documents identified above containing confidential information with the confidential portions highlighted in yellow. Kentucky Power is also filing redacted versions of the affected documents. Kentucky Power will notify the Commission when it determines the information for which confidential treatment is sought is no longer confidential.

A. The Requests And The Statutory Standard.

Kentucky Power does not object to filing the identified information for which it is seeking confidential treatment, but requests that the identified portions of the responses be excluded from the public record and public disclosure.

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

Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

Kentucky Power seeks to protect from public disclosure information regarding the Morrisons' account number, usage history, monthly bills detailing the amounts charged the Morrisons (from which usage can be determined), the Morrisons' payment history, and payment plans, if any.

Information of a personal nature may be withheld from public disclosure where "the privacy interest in nondisclosure" outweighs "the general rule of inspection and its underlying policy of openness for the public good."<sup>1</sup> That policy is not fostered "by disclosure of information about private citizens ... that reveals little or nothing about the agency's own conduct."<sup>2</sup>

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<sup>1</sup> *Zink v. Commonwealth*, 902 S.W.2d 825, 828 (Ky. App. 1995).

<sup>2</sup> *Id.* at 829.

The Morrisons' actual usage, billing, and payment information is private, personal information that is specific to the Morrisons. The confidential personal information has no bearing (at least at this stage of the litigation) on the Morrisons' claims, and only is being provided because it is otherwise contained on the monthly billing statements (and billing histories) that contain other information (such as the existence of a line item for dusk-to-dawn lighting service on the bill and the associated tariff code) that is relevant to the dispute. The information for which confidential treatment is being sought provides no indicia of the Commission's conduct and is of no proper use or interest to any third-party.

The Commission previously has accorded confidential treatment to similar information in a complaint case.<sup>3</sup>

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 required to be disclosed by Kentucky Power in response to KPSC 1-1, 1-3, 1-4, 1-6, 1-7, 1-8 is both personal (with respect to the Morrisons) and confidential within Kentucky Power. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power, its parent, AEP, and its affiliates. The Company, AEP, and its affiliates take all reasonable measures to prevent its disclosure to the public as well as persons within the Company who do not have a need for the information. The information is not disclosed to persons outside Kentucky Power, AEP, or its affiliates. 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.

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<sup>3</sup> See *Damron v. Louisville Gas and Electric Company*, Case No. 2013-00008 (November 13, 2013).

The Company assumes, but has not independently verified, that the Morrisons treat the information to be protected as private, personal information and that they do not make it public.

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


The identified information is by the terms of the Commission's Order 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.

The information should be withheld from public disclosure for an indefinite period. It will retain its status as private confidential information notwithstanding the passage of time. The Company itself treats the information as confidential in perpetuity.

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  
COMPANY

Certificate of Service

I hereby certify that a copy of the foregoing answer was mailed United States First Class Mail, postage prepaid, this 23<sup>rd</sup> day of June, 2015 to:

Douglas Morrison  
Sylvia Morrison  
440 31st Street  
Ashland, Kentucky 41101

A handwritten signature in blue ink, consisting of a large 'M' followed by 'R' and 'O' in a stylized, cursive script. The signature is written above a horizontal line.

Mark R. Overstreet