

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) APPROVAL OF TARIFFS AND	)	
RIDERS; (3) APPROVAL OF ACCOUNTING	)	CASE NO.
PRACTICES TO ESTABLISH REGULATORY	)	2020-00174
ASSETS AND LIABILITIES; (4) APPROVAL OF	)	
A CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY; AND (5) ALL OTHER	)	
REQUIRED APPROVALS AND RELIEF	)	

ORDER

On September 30, 2020, Kentucky Power Company (Kentucky Power) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for portions of its responses to Commission Staff's Fifth Request for Information (Staff's Fifth Request), and Mountain Association for Community Economic Development, Kentuckians for the Commonwealth, and Kentucky Solar Energy Society's joint Second Request for Information (Joint Intervenors' Second Request) as follows:

- Staff's Fifth Request, Item 6, Attachment 1, and Staff's Fifth Request, Item 7, Attachment 1, which contain Kentucky Power's generation unit's availability and offering status, cost data, and revenue data for the past three calendar years. Kentucky Power asserted that competitors can gain a commercial advantage by using the information to identify the economic range of Kentucky Power's generating units, and thus develop offering strategies in the wholesale energy market to the detriment of Kentucky

Power. Kentucky Power requested that the designated material in Staff's Fifth Request, Item 6, Attachment 1, be held confidential for two years, and that the designated material in Staff's Fifth Request, Item 7, Attachment 1, be held confidential for four years. Kentucky Power explained that the information in its response to Staff's Fifth Request, item 6, Attachment 1, is cost-based and retains its competitive value for a longer period than the operational information provided in Kentucky Power's response to Staff's Fifth Request, Item 6, Attachment 1.

- Joint Intervenors' Second Request, Item 10, Attachment 1, which contains customer name, account, and usage information. Kentucky Power asserted that the customer-specific information is information of a personal nature for which there is an expectation of privacy. Kentucky Power further asserted that public disclosure of the designated material could result in competitive harm to its commercial customers because competitors of those businesses could gain strategic intelligence that could place Kentucky Power's commercial customers at a competitive disadvantage and, in turn, adversely affect decisions to locate or expand in Kentucky Power's service territory. Kentucky Power request the designated material be held confidential for a period of ten years.

- Joint Intervenors' Second Request, Item 20, Attachment 1, which contains Kentucky Power's IRP report. Kentucky Power requests confidential treatment for the same portions of the IRP that were granted confidential treatment in Case No. 2019-00443.<sup>1</sup> Kentucky Power requests the material be held confidential for an indefinite period of time.

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<sup>1</sup> Case No. 2019-00443, *Electronic 2019 Integrated Resource Planning Report of Kentucky Power Company* (Ky. PSC Mar. 3, 2020).

Having considered the motion and the material at issue, the Commission finds as follows:

1. The designated material in Kentucky Power's response to Staff's Fifth Request, Item 6, Attachment 1, and Item 7, Attachment 1, is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

2. The designated material in Kentucky Power's response to Joint Intervenors' Second Request, Item 10, Attachment 1, is information of a personal nature for which public disclosure would constitute a clearly unwarranted invasion of personal privacy, and thus exempt from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a). The designated material is also generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

3. The designated material in Kentucky Power's response to Joint Intervenors' Second Request, Item 20, Attachment 1, were previously granted confidential treatment pursuant to 807 KAR 5:001, Section 13, KRS 61.878(1)(c)(1), KRS 61.878(1)(k), and KRS 61.878(1)(m).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's September 30, 2020 motion for confidential protection is granted.

2. The designated information contained in Kentucky Power's response to Staff's Fifth Request, Item 6, Attachment 1, shall not be placed in the public record or

made available for public inspection for two years, or until further Order of this Commission.

3. The designated information contained in Kentucky Power's response to Staff's Fifth Request, Item 7, Attachment 1, shall not be placed in the public record or made available for public inspection for four years or until further Order of this Commission.

4. The designated information contained in Kentucky Power's response to Joint Intervenors' Second Request, Item 19, Attachment 1, shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.

5. The designated information contained in Kentucky Power's response to Joint Intervenors' Second Request, Item 20, Attachment 1, shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

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

7. 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.

8. 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.

9. The Commission shall not make the designated material granted confidential treatment by this Order available for inspection for 30 days from the date of service of an Order finding that the designated material no longer qualifies for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

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By the Commission



ATTEST:



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Deputy Executive Director

Case No. 2020-00174

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