

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF KENTUCKY)	CASE NO.
POWER COMPANY ROCKPORT DEFERRAL)	2022-000283
MECHANISM)	

ORDER

On December 2, 2022, 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 treatment until January 1, 2024, for the attachment provided in response to Commission Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request), Item 4.

In support of its motion, Kentucky Power stated that its response contained in an attachment to Staff's Post-Hearing Request, Item 4 contains the actual retail energy costs, gross of net and sales, for 2021 and nine months of 2022. The attachment also contains estimated costs for three months of 2022 and all of 2023. Kentucky Power argued that the estimated costs for the remainder of 2022 and 2023 should be granted confidential protection pursuant to KRS 61.878(1)(c)(1) because disclosure would permit an unfair commercial advantage to competitors. Kentucky Power argued the disclosure would damage its position in the competitive energy marketplace and in future contract negotiations for replacement energy. Kentucky Power also stated that cost and price estimates are generally granted confidential protection.

Having considered the motion and the material at issue, the Commission finds that the estimated retail energy costs, gross of net and sales, for three months of 2022 and 2023 contained in the attachment as a response to Staff's Post-Hearing Request, Item 4 is information generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection until January 1, 2024, or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. 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.
5. 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.

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

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PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

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