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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

MAY 02 2016

PUBLIC SERVICE
COMMISSION

In The Matter Of:

Kentucky Power Company's 2016)
Filing In Response To The Commission's) Case No. 2016-00____
Order In Administrative Case No. 387)

Motion for Confidential Treatment

Kentucky Power Company moves the Public Service Commission of Kentucky pursuant to 807 KAR 5:001, Section 13 for confidential treatment of portions of the Company's response to Data Request No. 9.

1. The information for which confidential treatment is being sought is being filed in accordance with the Commission's Order in Administrative Case No. 387, *A Review Of The Adequacy Of Kentucky's Generation And Transmission System*. By order dated October 7, 2005 the Commission closed Administrative Case No. 387 and directed that the "updated information that is currently required to be filed annually in this case shall be filed as a supplement to the filer's annual report."¹ Accordingly, there is no open proceeding in which Kentucky Power can file this motion for confidential treatment.

2. Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal, with the confidential portions highlighted in yellow, those portions of its response to Data Request No. 9 for which it is seeking confidential treatment. Kentucky Power is also filing ten copies of the redacted version of the data request response for which confidential treatment is

¹ Order, *A Review Of The Adequacy Of Kentucky's Generation And Transmission System* at 1 Adm. Case No. 387 (Ky.P.S.C. October 7, 2007).

being sought. 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.

3. The identified portions are required to be excluded from the public record and public disclosure. KRS 61.878(1)(c)(1) excludes from the Open Records Act:

"[r]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would present an unfair commercial advantage to competitors of the entity that disclosed the records.

This exception applies to Kentucky Power's Response to Data Request No. 9.

4. Kentucky Power's response provides information regarding planned transmission projects that has yet to be publicly disclosed. The wholesale power market is extremely competitive. In addition to sales and purchases by utilities, competitive power providers, and electricity marketers, investment banks and other financial traders take financial positions, such as futures contracts and derivatives, including options, price swaps, basis swaps, and forward contracts, with respect to the wholesale electricity market.

5. The wholesale price of electricity, as well as associated financial instruments, can be affected by the capacity and availability of transmission facilities. Information regarding planned changes or upgrades to transmission facilities can be used by market participants in making their pricing decisions.

6. Kentucky Power seeks confidential treatment of the identified information in its response to Data Request No. 9 as follows:

- (a) Project A until July 1, 2017;
- (b) Project B until September 15, 2017; and
- (c) Project C until May 1, 2018.

Kentucky Power estimates that the individual projects will become public on the indicated dates.

B. The Identified Information is Generally Recognized As Confidential and Proprietary and Public Disclosure Of It Will Result In An Unfair Commercial Advantage.

7. The identified information required to be disclosed by Kentucky Power in response to Data Request No. 9 is confidential and not generally known or readily ascertainable by other parties through normal or proper means. No reasonable amount of legitimate independent research could yield this confidential information to other parties. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power, its affiliated operating companies, AEP, and AEPSC (the "AEP Entities"). The AEP Entities take all reasonable measures to prevent its disclosure to the public as well as persons within the AEP Entities who do not have a need for the information. The information is not disclosed to persons outside the AEP Entities. 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.

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

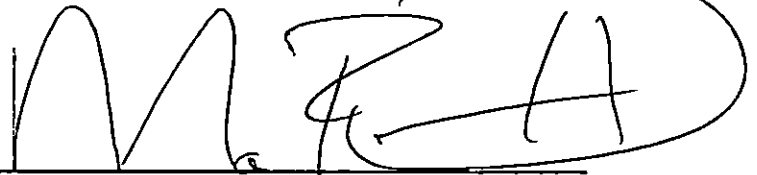
8. The identified information is by the terms of the Commission's Order in Administrative Case No. 387 required to be disclosed to the Commission. The Commission is a "public agency" as that term is defined at KRS 61.870(1). Any filing should be subject to a

confidentiality order and any party requesting such information should be required to enter into an appropriate confidentiality agreement.

WHEREFORE, Kentucky Power Company respectfully requests the Commission to enter an Order:

1. According confidential status to and withholding from public inspection the identified portions of its response to Data Request No. 9.
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M R O', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

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