

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter Of:

Kentucky Power Company's 2017 )  
Filing In Response To The Commission's ) Case No. 2017-00\_\_\_\_  
Order In Administrative Case No. 387 )

**Kentucky Power Company's Motion for Confidential Treatment**

Kentucky Power Company moves the Public Service Commission of Kentucky pursuant 807 KAR 5:001, Section 13 for confidential treatment of portions of Attachment 1 to 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."<sup>1</sup> 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 Attachment 1 to 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 being sought. Kentucky Power will notify the Commission when it determines the information for which confidential treatment is sought is no longer confidential.

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<sup>1</sup> 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).

**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. Attachment 1 to Kentucky Power's response to Data Request No. 9 provides information regarding a planned transmission project 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 included in Attachment 1 to its response to Data Request No. 9 until May 1, 2018. Kentucky Power estimates that information about the planned transmission project will be made public by that date.

**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, American Electric Power Company, Inc. (“AEP”), and American Electric Power Service Corporation (“AEPSC” together, 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.**

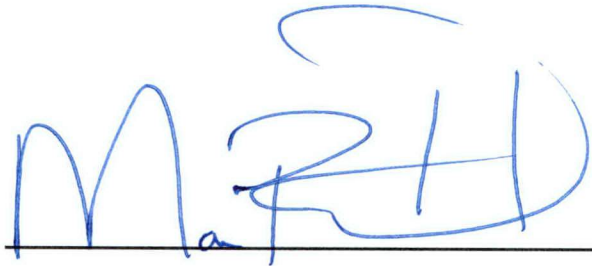
8. The identified information is by the terms of the Commission’s Order in Administrative Case No. 387 required to be disclosed to the Commission. The Commission is a “public agency” as that term is defined at KRS 61.870(1). Any filing should be subject to a confidentiality order and any party requesting 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 information; and

2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



Mark R. Overstreet  
STITES & HARBISON PLLC  
421 West Main Street  
P. O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: (502) 223-3477

Kenneth J. Gish, Jr.  
STITES & HARBISON PLLC  
250 West Main Street, Suite 2300  
Lexington, Kentucky 40507  
Telephone: (859) 226-2300

COUNSEL FOR KENTUCKY POWER  
COMPANY