

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

An Assessment of Kentucky's)
Electric Generation, Transmission) Administrative Case No. 2005-00090
And Distribution Needs)

**PETITION FOR CONFIDENTIAL TREATMENT
AND REQUEST FOR DEVIATION FROM RULES**

Kentucky Power Company moves the Commission pursuant to 807 KAR 5:001, Section 7 and KRS 61.878(1)(k) for an Order granting confidential treatment to the reports containing Critical Energy Infrastructure Information (CEII) filed in response to Data Request No. 24. Because of the voluminous nature of the information for which confidential treatment is being sought, Kentucky Power also moves the Commission pursuant to 807 KAR 5:001, Section 14 for an order permitting Kentucky Power to file with the Commission two CD-Roms containing the reports in lieu of the paper copies required by the Commission's March 10, 2005 Order and 807 KAR 5:001, Section 7.

The Data Request and Filing.

Data Request No. 24 in the Commission's March 10, 2005 Order in this Case directs Kentucky Power to file with the Commission:

Provide copies of any reports prepared by your utility or for your utility that analyze the capabilities of the transmission system to meet present and future needs for import and export of capacity.

In response to this request Kentucky Power is filing the following reports with the Commission:

- 2005 AEP FERC Form 715 filing
- 2004/5 Winter AEP Bulk System Performance Appraisal
- 2004 Summer AEP Bulk System Performance Appraisal
- 2004 Summer ECAR Transmission System Performance report
- 2004 Summer VEM
- 2004 Summer MET
- 2004 Summer VAST
- 2009 Summer AEP Transmission Assessment

Statutory Exception

KRS 61.878(k) excludes from the Open Records Act:

All public records or information the disclosure of which is prohibited by federal law or regulation.

This exception applies to the eight reports to be provided by Kentucky Power in response to Data Request No 24. Specifically, information contained in the reports is designated by Kentucky Power as CEII in connection with Kentucky Power's filings with the Federal Energy Regulatory Commission 18 C.F.R. § 388.113(c) defines CEII as "information about proposed or existing infrastructure that relates to the production, generation, transportation, transmission of energy and that could be useful to a person planning an attack on critical infrastructure." 18 C.F.R. § 388.112 exempts such information from disclosure under the Freedom of Information Act. FERC has accorded the reports CEII status and exempted them from public disclosure in accordance with FERC's rules.

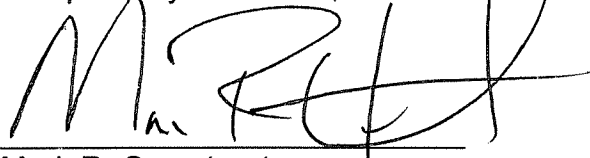
Request for Deviation from Rules

Under, 807 KAR 5:001, Section 14 the Commission may authorize deviation from its rules for "good cause shown." The reports to be filed in response to Data Request

No. 24 are voluminous and each set comprises over 1,000 pages. Kentucky Power respectfully suggests that filing an original and ten copies of the reports (over 11,000 pages) in response to the Data Request plus an additional ten copies (an additional 10,000 pages) in connection with the Petition for Confidential Treatment would impose undue and unnecessary costs and logistical burdens on the company. In addition, Kentucky Power believes that presenting the information on CD-Rom will permit the Commission and staff to access the information more readily. Finally, because of the nature of the CD-Roms it is not possible to redact and highlight the confidential information as required by 807 KAR 5:001, Section 7.

Wherefore, Kentucky Power respectfully requests the Public Service Commission of Kentucky to issue an Order protecting from public disclosure the eight reports filed by Kentucky Power in Response to Data Request 24. The Company further requests that the Commission permit Kentucky Power to deviate from the Commission's rules and orders and file two CD-ROMS in fulfillment of its filing obligations with respect to Data Request No. 24 and this Petition for Confidential Treatment

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by United States First Class Mail, postage prepaid, on this 31st day of March, 2005 upon:

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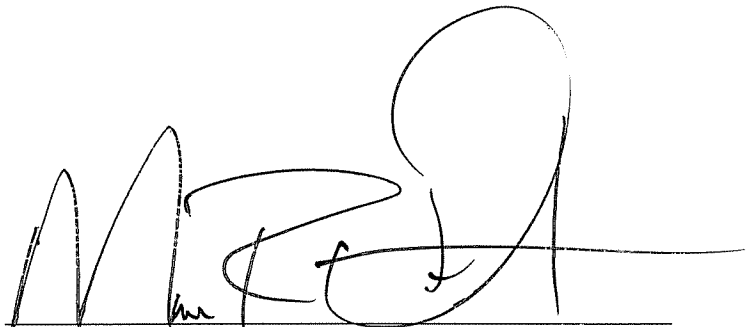
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A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', written over a horizontal line. The signature is stylized and cursive.

Mark R. Overstreet