

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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SEP 23 2013

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

THE APPLICATION OF KENTUCKY  
POWER COMPANY FOR: (1) THE  
APPROVAL OF THE TERMS AND  
CONDITIONS OF THE RENEWABLE  
ENERGY PURCHASE AGREEMENT  
FOR BIOMASS ENERGY RESOURCES  
BETWEEN THE COMPANY AND  
ECOPOWER GENERATION-HAZARD  
LLC; (2) AUTHORIZATION TO ENTER  
INTO THE AGREEMENT; (3) THE  
GRANT OF CERTAIN DECLARATORY  
RELIEF; AND (4) THE GRANT OF ALL  
OTHER REQUIRED APPROVALS AND  
RELIEF

CASE NO. 2013-00144

**MOTION OF KENTUCKY POWER COMPANY  
FOR CONFIDENTIAL TREATMENT**

Kentucky Power Company moves the Public Service Commission of Kentucky pursuant to 807 KAR 5:001, Section 13(2), for an Order granting confidential treatment to:

- (a) the identified portions<sup>1</sup> of its Post-Hearing Brief; and
- (b) the single volume of the transcript containing the transcription of those portions of the hearing conducted in confidential session.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal a single copy with the confidential portions highlighted in yellow of the pages of its Post-Hearing Brief containing confidential information. Also filed is a single volume of the transcript of the August

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<sup>1</sup> Pages 2-5, 10, 13, 27.

28-29, 2013 hearing in this matter containing the transcription of those parts of the hearing conducted in confidential session.

In accordance with the Commission's regulations, Kentucky Power also is filing ten redacted copies of the Post-Hearing Brief, along with a single sheet indicating that the volume of the transcript containing the transcription of the confidential portions of the hearing is redacted in its entirety.

Kentucky Power seeks confidential treatment of the identified portions of the brief, and the confidential volume of the transcript, for the periods identified in the corresponding motions for confidential treatment. 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.

Kentucky Power does not object to filing the identified information for which it is seeking confidential treatment, but requests that the identified portions of the Post-Hearing Brief be excluded from the public record and public disclosure.

KRS 61.878(1)(c)(1) excludes from the Open Records Act:

Upon and after July 15, 1992, records confidentially disclosed to an agency or required to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

This exception applies to the following information for which Kentucky Power is seeking confidential treatment:

(a) Post-Hearing Brief

Kentucky Power seeks confidential treatment for the identified portions of its Post-Hearing Brief. The identified information is the subject of pending motions for confidential

treatment<sup>2</sup> or the Company's September 16, 2013 Motion for Rehearing of the Commission's August 27, 2013 Order Denying Confidential Treatment ("Motion for Rehearing").

(b) **Transcript Of Confidential Proceedings.**

Those portions of the August 27-28 hearing addressing matters that were the subject of pending motions for confidential treatment or the Motion for Rehearing were conducted in confidential session at the direction of the Chairman. The confidential session portions of the hearing were separately transcribed and are being filed as a separate volume of the transcript.

B. **The Pending Motions.**

Kentucky Power incorporates the pending motions for confidential treatment and the Motion for Rehearing in this motion. All of the information for which confidential treatment is being sought in this motion is the subject of previously filed motions for confidential treatment that have not yet been addressed by the Commission or is the subject of the Motion for Rehearing.

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.

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<sup>2</sup> The pending motions for confidential treatment involve both the REPA, which is the subject of the September 16, 2013 motion for rehearing, and material different than, and in addition to, the REPA.

Respectfully submitted,



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COUNSEL FOR KENTUCKY POWER  
COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served as indicated below upon:

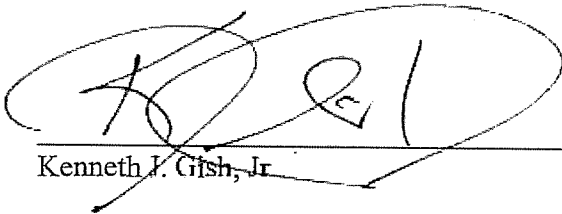
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on this the 23<sup>rd</sup> day of September, 2013.

  
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Kenneth J. Gish, Jr.