

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER COMPANY)	
FOR APPROVAL OF THE TERMS AND)	
CONDITIONS OF THE RENEWABLE ENERGY)	
PURCHASE AGREEMENT FOR BIOMASS)	
ENERGY RESOURCES BETWEEN THE COMPANY)	CASE NO.
AND ECOPOWER GENERATION-HAZARD LLC;)	2013-00144
AUTHORIZATION TO ENTER INTO THE)	
AGREEMENT; GRANT OF CERTAIN)	
DECLARATORY RELIEF; AND GRANT OF ALL)	
OTHER REQUIRED APPROVALS AND RELIEF)	

ORDER

This matter arises on petitions filed on May 24, 2013, June 28, 2013, July 2, 2013, August 16, 2013, and September 23, 2013 by Kentucky Power Company (Kentucky Power), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for five years for the petitions filed on June 28, 2013, and July 2, 2013, and for an indefinite period for the petition filed on May 24, 2013.

In support of its petition filed on May 24, 2013 Kentucky Power states that public disclosure of the designated materials contained in its responses to Commission Staff's first request for information 1-4 and Kentucky Industrial Utility Customers, Inc.'s (KIUC) request for information 1-4, 1-5, 1-14, 1-24, 1-32, 1-38, and 1-43 would result in competitive injury by allowing a competitive disadvantage in future contract negotiations to the detriment of Kentucky Power and its customers.

In support of its petitions filed on June 28, 2013, and July 2, 2013, Kentucky Power requests that designated materials filed with the Commission be afforded confidential protection for five years and that public disclosure of the designated materials would result in competitive injury. These petitions are moot due to the passage of time and should be denied.

In support of its petition filed on August 16, 2013, Kentucky Power requests confidential treatment for information contained in its supplement response to KIUC's information requests 1–6 and information described as a CD. The designated material was subject to Commission's Order filed on August 27, 2013, and the August 16, 2013, should therefore be denied as moot.

In support of its petition filed on September 23, 2013, Kentucky Power requests confidential treatment for information contained in its Post-Hearing Brief and portions of the August 27–28, 2013 hearing addressing pending motions for confidential treatment or the Motion for Rehearing that were conducted in confidential session. Kentucky Power's motion for rehearing was denied in Commission's Order filed on October 10, 2013, and to the extent that all pending motions for confidentiality have been adjudicated, the September 23, 2013 petition should be denied as moot.

Having considered the petitions and the materials at issue, the Commission finds that the designated materials described in Kentucky Power's May 24, 2013 petition meets the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). The Commission finds that the designated materials described in Kentucky Power's June 28, 2013, July 2, 2013, August 16, 2013, and September 23,

2013 petitions do not meet the criteria for confidential treatment and are not exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's June 28, 2013, July 2, 2013, August 16, 2013, and September 23, 2013 petitions for confidential protection are denied as moot.

2. Kentucky Power's May 24, 2013 petition for confidential protection is granted.

3. The designated materials in Kentucky Power's May 24, 2013 petition shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

4. Use of the designated materials of Kentucky Power's May 24, 2013 petition in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Kentucky Power shall inform the Commission if the designated materials of Kentucky Power's May 24, 2013 petition become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have 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 materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

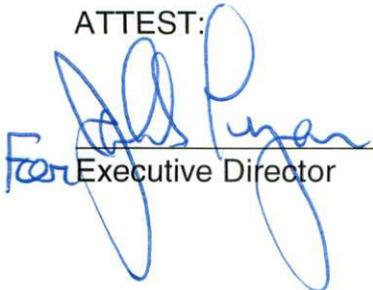
7. The Commission shall not make the designated materials of Kentucky Power's May 24, 2013 petition available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

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By the Commission

ENTERED
MAY 02 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

*Hector Garcia
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216

*Jennifer Black Hans
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Kentucky Power Company
855 Central Avenue, Suite 200
Ashland, KY 41101

*Kenneth J Gish, Jr.
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KENTUCKY 40507

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Ranie Wohnhas
Managing Director
Kentucky Power Company
855 Central Avenue Suite 200
Ashland, KENTUCKY 41101