

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY FOR: (1) A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY AUTHORIZING)	CASE NO.
THE COMPANY TO CLOSE THE BIG SANDY)	2015-00152
PLANT COAL ASH IMPOUNDMENT; AND (2) FOR)	
ALL OTHER REQUIRED APPROVALS AND)	
RELIEF)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On September 17, 2015, Kentucky Power Company (“Kentucky Power”) filed a petition, pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of Kentucky Power’s responses to Commission Staff’s Initial Request for Information (“Staff’s First Request”). Kentucky Power’s response to Staff’s First Request, Item 8.a., contains projected costs for ash pond closure projects at John Amos Plant (“Amos Plant”) and Gavin Plant. Kentucky Power requests that its response to Staff’s First Request, Item 8.a., remain confidential for an indefinite period until the ash pond closure projects at Amos Plant and Gavin Plant are complete.

In support of its petition, Kentucky Power states that the designated materials contain forecasted production and cost information, which, if publicly disclosed, could provide an unfair competitive advantage to competitors, and thus is generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in Kentucky Power's responses to Staff's First Request, Item 8.a., are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, would create an unfair competitive advantage for Kentucky Power's competitors, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential protection for its response to Staff's First Request, Item 8.a., is granted.

2. The materials set forth in Kentucky Power's response to Staff's First Request, Item 8.a., shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

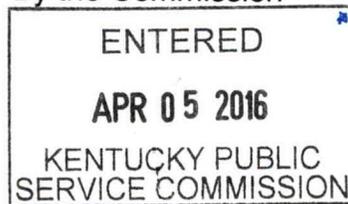
4. Kentucky Power shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Kentucky Power shall have 20 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.

6. The Commission shall not make the requested materials available for inspection for 20 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.

By the Commission



ATTEST:



Acting Executive Director *for*

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

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Kentucky Power Company
101 A Enterprise Drive
P. O. Box 5190
Frankfort, KY 40602

*Kentucky Power Company
Kentucky Power Company
101 A Enterprise Drive
P. O. Box 5190
Frankfort, KY 40602

*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