

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR (1) A GENERAL	)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC	)	
SERVICE; (2) APPROVAL OF TARIFFS AND	)	
RIDERS; (3) APPROVAL OF ACCOUNTING	)	CASE NO.
PRACTICES TO ESTABLISH REGULATORY	)	2020-00174
ASSETS AND LIABILITIES; (4) APPROVAL OF	)	
A CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY; AND (5) ALL OTHER	)	
REQUIRED APPROVALS AND RELIEF	)	

ORDER

On December 18, 2020, Kentucky Power Company (Kentucky Power) filed an amended motion,<sup>1</sup> pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential protection for portions of the stenographic transcripts of the November 17–26, 2020 hearing in this matter.

Kentucky Power requested confidential treatment for the following portions of the transcripts:

- November 17, 2020 Transcript, Questioning of Matthew Satterwhite by Staff Counsel regarding PSC Staff Confidential Exhibits 1–4, materials obtained from a third party through a paid subscription service. Kentucky Power requested that the material be held confidential for an indefinite period pursuant to KRS 61.878(1)(c)(1).
- November 19, 2020 Transcript, Questioning of Franz D. Messner by Vice Chairman Kent A. Chandler, regarding confidential business transactions.

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<sup>1</sup> Kentucky Power filed a motion on December 4, 2020 requesting confidential treatment for portions of the Hearing Transcript. By Order entered December 9, 2020, the Commission directed Kentucky Power to file an amended motion identifying with greater specificity the designated material for which confidential protection was requested, the period for which confidential treatment was sought, and any Orders that granted confidential treatment to the designated material.

Kentucky Power requested that the material be held confidential for two years pursuant to KRS 61.878(1)(c)(1).

- November 23, 2020 Transcript, Questioning of Alex E. Vaughan by Vice Chairman Kent A. Chandler regarding a confidential document regarding hourly generation market results and off-system sales margins. The document was filed in the case record as Kentucky Power's response to Commission Staff's Fifth Request for Information, Item 6, Attachment 1, and was granted confidential treatment for a period of two years by an Order issued on October 27, 2020.

Having considered the motion and the material at issue, the Commission finds that the designated materials are generally recognized as confidential or proprietary, 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 treatment is granted.
2. The portion of the Hearing Transcript regarding PSC Staff Exhibits 1–4, which are granted confidential treatment by this Order, shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. The remainder of the designated material granted confidential treatment by this Order, shall not be placed in the public record or made available for public inspection for two years or until further Order of this Commission.
4. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
5. Kentucky Power shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

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

7. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

By the Commission

ENTERED  
DEC 23 2020 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2020-00174

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