

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 March 31, 2021, Kentucky Power Company (Kentucky Power) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for the following:

- Kentucky Power's response to Commission Staff's Tenth Request for Information (Staff's Tenth Request), Item 11, Attachment 1, which contains forecasted forward pricing information used to calculate avoided energy costs. Kentucky Power stated that similar information was granted confidential treatment in an Order entered October 27, 2020, in this proceeding. Kentucky Power asserted that public disclosure would result in commercial harm to Kentucky Power because competitors could use the information to devise competitive bidding strategies that would impair Kentucky Power's ability to compete, which could result in higher costs for Kentucky Power and its customers. Kentucky Power requested confidential treatment for the designated material through the end of 2025.

Kentucky Power's response to Staff's Tenth Request, Item 13, Attachment 1, which contains forecasted costs to comply with environmental regulations. Kentucky Power asserted that public disclosure would result in commercial harm to Kentucky Power because competitors could use the information to develop cost estimates without performing the same analysis, and thus incurring the same costs incurred by Kentucky Power, to the financial disadvantage to Kentucky Power and its customers. Kentucky Power requested confidential treatment for the designated material for ten years.

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's March 31, 2021 motion for confidential treatment is granted.
2. The designated material contained in Kentucky Power's response to Staff's Tenth Request, Item 11, Attachment 1, that was granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection until January 1, 2026, or until further Order of this Commission.
3. The designated material contained in Kentucky Power's response to Staff's Tenth Request, Item 13, Attachment 1, that was granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten 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



ATTEST:


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