

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	)	2023-00159
ASSETS AND LIABILITIES; (4) A	)	
SECURITIZATION FINANCING ORDER; AND (5)	)	
ALL OTHER REQUIRED APPROVALS AND	)	
RELIEF	)	

ORDER

On August 18, 2023, Kentucky Power Company (Kentucky Power) filed a motion requesting clarification of an Order issued by the Commission on August 11, 2023. Kentucky Power requested that the Commission clarify the phrase “unredacted copy...via the electronic filing system.”<sup>1</sup> Kentucky Power further requested that the Commission amend its Order to confirm that Kentucky Power may file a redacted copy of Attachment 3 to Kentucky Power’s response to Commission Staff’s First Request for Information (Staff’s First Request), Item 22 into the public record of this case, and file a confidential copy of Attachment 3 via email with the Commission and intervenors who have executed a non-disclosure agreement with the Kentucky Power, pending the Commission’s ruling on the Kentucky Power’s July 13, 2023 motion for confidential treatment.<sup>2</sup>

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<sup>1</sup> Kentucky Power’s Motion for Clarification (filed on Aug. 18, 2023) at 1 citing to Order (Ky. PSC August 11, 2023) at 3, ordering paragraph 3.

<sup>2</sup> Kentucky Power’s Motion for Clarification at 1.

Originally, Kentucky Power filed a motion requesting a deviation of 807 KAR 5:001, Section 13(2)(a)(3).<sup>3</sup> Kentucky Power requested that its response to Staff's First Request, Item 22 be available for inspection at its counsel's office in lieu of filing the document electronically.<sup>4</sup> In the Order issued on August 11, 2023, the Commission denied the request.<sup>5</sup> The Commission went on to require that "Kentucky Power shall file an unredacted copy of its response to Staff's First Request, Item 22 via the electronic filing system."<sup>6</sup>

The Commission finds that clarification is needed and instructs Kentucky Power to file its response to Staff's First Request, Item 22 in the same manner it would file any other document for which confidential treatment has been requested. The Commission notes that, although the Order did not specifically reference 807 KAR 5:001, all appropriate regulations and statutes apply, including 807 KAR 5:001 Section 8 and 807 KAR 5:001 Section 13. It should be further noted that nothing in this Order, or the August 11, 2023 Order, has indicated whether confidential treatment is appropriate for the document. The information must first be filed in the correct manner before the Commission can make the determination of whether confidential protection is warranted.

IT IS THEREFORE ORDERED that Kentucky Power shall file its response to Staff's First Request, Item 22 in the same manner it would file any other document for which confidential treatment has been requested.

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<sup>3</sup> Kentucky Power's Motion for Leave to Deviate (filed July 13, 2023) at 1.

<sup>4</sup> Kentucky Power's Motion for Leave to Deviate at 1.

<sup>5</sup> Order (Ky. PSC Aug. 11, 2023) at 3, ordering paragraph 1.

<sup>6</sup> Order (Ky. PSC Aug. 11, 2023) at 3, ordering paragraph 2.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner



ATTEST:

  
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