

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)	CASE NO.
RIDERS; (3) APPROVAL OF CERTAIN)	2025-00257
REGULATORY AND ACCOUNTING)	
TREATMENTS; AND (4) ALL OTHER REQUIRED)	
APPROVALS AND RELIEF)	

ORDER

On January 2, 2026, 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 a period of 20 years for documents containing Kentucky Power’s internal accounting procedures submitted in response to Commission Staff’s Fourth Request for Information (Staff’s Fourth Request).¹

LEGAL STANDARD

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records “be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884.”² The exceptions to the free and open examination of public records should be strictly construed.³ The party requesting that the

¹ Motion for Confidential Treatment of Kentucky Power for Certain Responses to Commission Staff’s Dec. 16, 2025 Fourth Request for Information (Motion) (filed Jan. 2, 2026).

² KRS 61.872(1).

³ KRS 61.878.

materials be granted confidential protection has the burden of establishing that one of the exemptions is applicable.⁴ KRS 61.878(1)(c)(1) exempts from public disclosure “[r]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records. KRS 61.878(1)(a) exempts from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”

DISCUSSION AND FINDINGS

In support of its motion, Kentucky Power argued that its internal accounting procedures are generally recognized as confidential or proprietary and if publicly disclosed may provide competitors with valuable insight into Kentucky Power’s internal operations to the detriment of Kentucky Power, American Electric Power Company, Inc. (AEP) and its customers.⁵

Having considered the motion and the material at issue, the Commission finds that the document containing information on Kentucky Power’s internal accounting procedures is generally recognized as confidential or proprietary. If publicly disclosed, the document may provide competitors an unfair commercial advantage by revealing valuable insights into Kentucky Power’s internal operations. Therefore, the document meets the criteria for confidential treatment and should be exempted from public disclosure for 20 years, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

⁴ 807 KAR 5:001, Section 13(2)(c).

⁵ Motion at 2.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's January 2, 2026 motion for confidential treatment is granted.

2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for 20 years or until further order of this Commission.

3. 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).

4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Kentucky Power shall inform the Commission and file with the Commission an unredacted copy of the designated material.

5. 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 20 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.


6. 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.

Entered on this 6th day of July, 2026.


PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry J. Mayfield
Commissioner

*by AH.
w/ permission*

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