

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2019 INTEGRATED RESOURCE)	CASE NO.
PLANNING REPORT OF KENTUCKY POWER)	2019-00443
COMPANY)	

ORDER

This matter arises on a petition filed on May 21, 2020, by Kentucky Power Company (Kentucky Power), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that designated materials contained in its response to certain data requests be afforded confidential protection. The designated materials are more specifically described as follows:

- Kentucky Power's Response to Commission Staff's First Request for Information (Staff's First Request), Item 14, which includes customer information related to load forecast adjustments arising from planned customer additions and reductions in load. As a basis for its request, Kentucky Power asserted that the designated materials contain confidential information obtained from customers regarding potential expansion and reduction of businesses, and that, if publicly disclosed, such customers would be reluctant to share the information, which would result in inefficient planning.

- Kentucky Power's Response to the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention's (Attorney General) First Request for Information (Attorney General's First Request), Items 2 and 10, which include delivered coal price forecasts and forecasted costs of compliance with environmental regulations. As a basis for its request, Kentucky Power asserted that coal prices

represent a large portion of variable costs for coal plants and, if publicly disclosed, would place Kentucky Power at a competitive disadvantage related to bidding into the PJM Interconnection, LLC (PJM) energy market and would result in a less competitive coal offer from coal vendors. Kentucky Power further asserted that public disclosure of the environmental compliance costs could result in competitive harm because Kentucky Power expended significant funds to develop the cost estimates, and that public disclosure would allow similar utilities to develop their own cost estimates based upon the designated material without incurring the same costs incurred by Kentucky Power.

- Attachments to Kentucky Power's Responses to Kentucky Industrial Utility Customers, Inc.'s (KIUC First Request), items 4, 11, and 12, which contain proprietary information unit-specific generation data, from a third-party vendor provided to the Commission under agreements that prevent public disclosure. Kentucky Power asserted that, in addition to its agreement with the third-party vendor, that public disclosure of the designated materials would give competitors in the PJM energy and ancillary service markets a competitive advantage over Kentucky Power.

Kentucky Power requested confidential treatment for the designated materials for the periods set forth below:

- Three years for the designated materials contained in its response to Staff's First Request, Item 14, and KIUC's First Request, Item 4.
- Five years for the designated materials contained in its response to the Attorney General's First Request, Item 2, and KIUC's First Request, Items 11 and 12.
- Ten years for the designated materials contained in its response to the Attorney General's First Request, Item 10.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Kentucky Power's May 21, 2020 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's May 21, 2020 petition for confidential protection is granted.

2. The designated materials contained in Kentucky Powers response to Staff's First Request, Item 14, and KIUC's First Request, Item 4, shall not be placed in the public record or made available for public inspection for three years, or until further Orders of this Commission.

3. The designated materials contained in Kentucky Power's response to the Attorney General's First Request, Item 2, and KIUC's First Request, Items 11 and 12, shall not be placed in the public record or made available for public inspection for five years or until further Orders of this Commission.

4. The designated materials contained in Kentucky Power's response to the Attorney General's First Request, Item 10, shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission.

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

6. Kentucky Power shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.

7. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have 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 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.

8. The Commission shall not make the designated materials available for inspection for 30 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

ENTERED
JUL 02 2020 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

*Brian K. Rupp
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Christen M Blend
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Hector Garcia-Santana
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*J. Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

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

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

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*John W. Pollom
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

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