

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER )	
COMPANY FOR (1) A CERTIFICATE OF )	
PUBLIC CONVENIENCE AND NECESSITY )	
AUTHORIZING THE TRANSFER TO THE )	
COMPANY OF AN UNDIVIDED FIFTY )	
PERCENT INTEREST IN THE MITCHELL )	
GENERATING STATION AND )	
ASSOCIATED ASSETS; (2) APPROVAL )	CASE NO. 2012-00578
OF THE ASSUMPTION BY KENTUCKY )	
POWER COMPANY OF CERTAIN )	
LIABILITIES IN CONNECTION WITH THE )	
TRANSFER OF THE MITCHELL )	
GENERATING STATION; (3) )	
DECLARATORY RULINGS; (4) )	
DEFERRAL OF COSTS INCURRED IN )	
CONNECTION WITH THE COMPANY'S )	
EFFORTS TO MEET FEDERAL CLEAN )	
AIR ACT AND RELATED )	
REQUIREMENTS; AND (5) ALL OTHER )	
REQUIRED APPROVALS AND RELIEF )	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On April 16, 2013, Kentucky Power Company ("Movant") filed a motion, pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection. In support of its motion, Movant states that the information it is requesting to be held confidential is contained in portions of the corrected attachments to its responses to Kentucky Industrial Utility Customers, Inc.'s First Set of Data Requests, Item No. 44 ("KIUC 1-44") and to Alexander Desha, Tom Vierheller, Beverly May, and Sierra Club's Initial Requests for Information, Item No. 18 ("SC 1-

18").<sup>1</sup> The information in Movant's responses to KIUC 1-44 and SC 1-18 contain historical performance data for the Mitchell Generating Station, such as net generation information, net capacity factor, equivalent availability, forced outage rate, heat rates, and net energy information, which, if publicly disclosed, would place Movant at a competitive disadvantage in the wholesale power market.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment 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.

3. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite period of time that is no longer than the operating life of the Mitchell Generating Station.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential treatment is granted.

2. The materials for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period of time that is no longer than the operating life of the Mitchell Generating Station.

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

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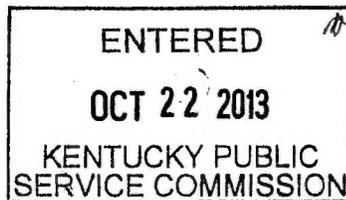
<sup>1</sup> Movant's original responses to KIUC 1-44 and SC 1-18 were submitted for confidential treatment pursuant to Movant's February 20, 2013 Motion for Confidential Treatment.

4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

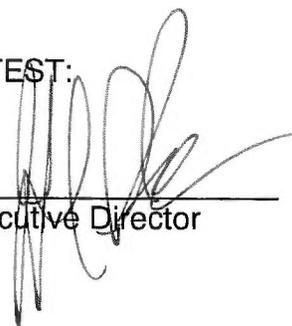
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission



ATTEST:

  
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