

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 OF THE	)	
ASSUMPTION BY KENTUCKY POWER	)	
COMPANY OF CERTAIN LIABILITIES IN	)	CASE NO. 2012-00578
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 July 3, 2013, Kentucky Power Company ("Movant") moved pursuant to 807 KAR 5:001, Section 13, 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 Attachment 1 to its Response to the Commission's Request for Information No. 5-1. The information is more particularly described as forecasted returns on equity through December 31, 2014. 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.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for the period of time ending January 1, 2015.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.

2. The materials for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection for the period of time ending January 1, 2015, or until further Orders of this Commission. At the end of this period, the material shall be placed in the public record. The Movant may request that the material continue to be treated as confidential but must demonstrate that the material still falls within the exclusions established in KRS 61.878.

3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the material in question after the end of the period set forth in ordering paragraph 2.

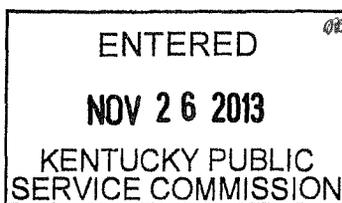
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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

6. 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, the 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.

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

By the Commission



ATTEST:

  
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