

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER	)	
COMPANY FOR A GENERAL ADJUSTMENT	)	CASE NO. 2013-00197
OF ELECTRIC RATES	)	

ORDER

On September 11, 2013, Kentucky Power Company ("Movant") moved pursuant to 807 KAR 5:001, Section 13(2), 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 its Attachment 1 to its response to Commission Staff's Second Request for Information, Item No. 42 ("Staff's Second DR, Item 42"), and Attachments 1 and 2 to its response to Kentucky Industrial Utility Customers, Inc.'s First Set of Data Requests, Item No. 15 ("KIUC's First DR, Item 15"). Attachment 1 to the response to Staff's Second DR, Item 42, contains usage and demand data for historic and forecasted periods for a single customer. Attachments 1 and 2 to the response to KIUC's First DR, Item 15, contain detailed information regarding forecasted expectations for the market operation of Movant's power plants for 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) and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment contained in Attachment 1 to its response to Staff's Second DR, Item 42, should not be placed in the public record or made available for public inspection because, pursuant to KRS 61.878(1)(c), the disclosure of this information would permit an unfair commercial advantage to Movant's competitors.

3. The materials for which Movant seeks confidential treatment contained in Attachments 1 and 2 to its response to KIUC's First DR, Item 15, should not be placed in the public record or made available for public inspection through January 1, 2015, because pursuant to KRS 61.878(c), the disclosure of this information would permit an unfair commercial advantage to Movant's competitors. At the end of this time period, the materials shall be placed in the public record.

IT IS THEREFORE ORDERED that:

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

2. The materials for which Movant seeks confidential treatment in Attachment 1 to Movant's response to Staff's Second DR, Item 42, shall not be placed in the public record or made available for public inspection.

3. The materials for which Movant seeks confidential treatment in Attachments 1 and 2 to Movant's Response KIUC's First DR, Item 15, shall not be placed in the public record or made available for public inspection through January 1, 2015.

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, 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.

By the Commission



ATTEST

  
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Executive Director

Case No. 2013-00197

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