

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION )  
OF THE FUEL ADJUSTMENT CLAUSE OF )  
KENTUCKY POWER COMPANY FROM ) CASE NO. 2010-00550  
NOVEMBER 1, 2010 THROUGH OCTOBER 31, )  
2012 )

\* \* \* \* \*

**PETITION FOR CONFIDENTIAL TREATMENT**

Kentucky Power Company moves the Commission pursuant to 807 KAR 5:001, Section 13(2), for an Order granting confidential treatment to page two of two of Kentucky Power's response to Data Request No. 9 in the Commission Staff's February 12, 2013 data requests. Pursuant to 807 KAR 5:001, Section 13(2)(b) Kentucky Power is filing an unredacted response along with ten redacted copies. The redacted copies are being filed electronically and the confidential, unredacted, and highlighted to indicate the confidential information copy, is being filed in paper format only pursuant to 807 KAR 5:001, Section 13(2)(f).

Kentucky Power requests that the information be accorded confidential protection for a reasonable period following the scheduled conclusion of the last identified planned outage. Once the final scheduled outage is concluded, the information can no longer be used by market participants to gauge the Company's need for energy. A reasonable period after the scheduled conclusion date for the final planned outage is required because the schedules may change.

A. The Request And The Statutory Standard.

Staff Data Request No. 9 requires Kentucky Power to file and disclose:

Provide the planned schedule for each of Kentucky Power's generating units for the years 2013 and 2014.

Kentucky Power does not object to responding to Data Request 9 and providing the Commission with the information about the Company's planned 2013-2014 maintenance schedule. However, the information should be afforded confidential treatment.

KRS 61.878(1)(c)(1) excludes from the Open Records Act:

Upon and after July 15, 1992, records confidentially disclosed to an agency or required 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.

This exception applies to Kentucky Power's response to Commission Staff Data Request 9.

B. The Information Provided by Kentucky Power in its Response to Commission Staff Data Request No. 9 is Generally Recognized as Confidential and Proprietary.

The request calls for Kentucky Power's planned maintenance schedule, which includes the starting and ending dates, for outages during 2013 and 2014. This information is highly confidential. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power and AEPSC, and the Company and AEPSC take all reasonable measures to prevent its disclosure to the public as well as persons within the Company and AEPSC who do not have a need for the information.

In further support of this Request for Confidential Treatment for the data sought by Data Request No. 9, Kentucky Power notes that it sought and received confidential treatment for information pertaining to planned future outages in Case No. 2010-00490 and Case No. 2007-00477. Kentucky Power is aware of no instances in which the Commission has denied confidential treatment to similar information in other proceedings. To the contrary, specific information about planned outages is generally recognized as confidential and proprietary in the

energy industry, and other utilities have sought and obtained confidential treatment for the information in other Commission proceedings. *See, e.g.*, Administrative Case No. 387 (Petition of Duke Energy Kentucky, Inc. for Confidential Treatment of Certain Information Filed for Calendar Year 2009).

C. Disclosure Of The Information Included in Kentucky Power's Response to Staff Data Request No. 9 Will Result In An Unfair Commercial Advantage.

The rise of competitive markets such as PJM has placed a premium on generating unit data. Competitive energy market intelligence, especially in regard to real-time Generation and unit availability, has developed into a “cottage industry.” Public disclosure of information about unit availability could adversely affect ratepayers and shareholders of Kentucky Power by providing a competitive advantage to Kentucky Power’s direct energy market competitors and suppliers, thereby affecting Kentucky Power’s ability to minimize costs for its rate paying customers.

Unit availability information is especially useful for competition as savvy marketers can estimate Kentucky Power’s generation position and raise generation offers if they believe the Company will be energy short, resulting in Kentucky Power paying higher prices to procure energy to serve its customers. This type of data is highly valued by competing energy marketers and traders who speculate in forward energy transactions. Using forecasted unit availability data, other parties could improve their forecast accuracy of future Kentucky Power operations, and utilize the resulting intelligence to influence negatively Kentucky Power’s costs of providing electricity to its customers. Such actions would ultimately raise the cost to Kentucky Power’s customers.

D. The Information Included in Kentucky Power's Response to Staff Data Request No. 9 Is Required To Be Disclosed To An Agency.

Finally, the information requested in Staff Data Request No. 9 is by the terms of the Data Request required to be disclosed to the Commission, a “public agency” as that term is defined at KRS 61.870(1). Kentucky Power acknowledges its maintenance schedule and planned outages are within the scope of the Commission’s review, and that any parties to this fuel clause proceeding<sup>1</sup> should have access to the information sought through Staff Data Request No. 9. Any filing, however, should be subject to a confidentiality order and any party requesting such information should enter into a confidentiality agreement. Absent a confidentiality agreement, the Commission should issue a protective order.

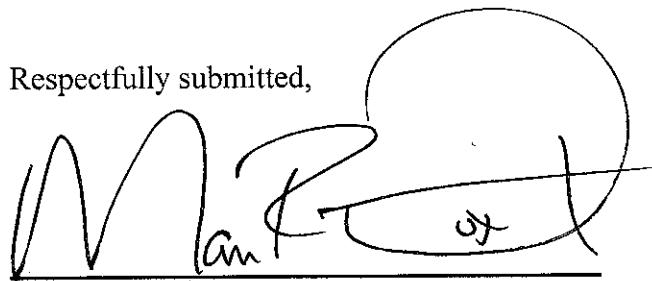
Wherefore, Kentucky Power Company respectfully requests the Commission to enter an Order:

1. According confidential status to and withholding from public inspection Kentucky Power’s response to Staff Data Request No. 9; and
2. Granting Kentucky Power all further relief to which it may be entitled.

---

<sup>1</sup> There are none to date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark R. Overstreet". The signature is fluid and cursive, with "Mark" on the left, "R." in the middle, and "Overstreet" on the right. A small circle is drawn around the end of the "Overstreet" portion.

Mark R. Overstreet  
R. Benjamin Crittenden  
STITES & HARBISON PLLC  
421 West Main Street  
P. O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: (502) 223-3477

COUNSEL FOR KENTUCKY POWER  
COMPANY