

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

In The Matter Of:

The Application Of Kentucky Power Company For )  
(1) Re-Authorization Of Certain Of Its Existing )  
Programs; (2) Authority To Discontinue The Commercial )  
And Residential HVAC Diagnostic and Tune-up Programs; )  
(3) Authority To Amend Its Demand-Side )  
Management Program To Implement Residential Home ) 2014-00271  
Performance And Residential Appliance Recycling )  
Programs; ; (4) Authority To Recover Costs )  
And Net Lost Revenues, And To Receive Incentives )  
Associated With The Implementation Of The Programs; )  
And (5) All Other Required Approvals and Relief )

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**Motion for Confidential Treatment**

Kentucky Power Company moves the Public Service Commission of Kentucky pursuant to 807 KAR 5:001, Section 13(2), for an Order granting confidential treatment to certain financial terms of the amendment to contract number 027539190034X110 between Kentucky Power and ClearResult.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal a copy of those portions of the amendment for which confidential treatment is being sought. In addition, a copy the amendment, with the confidential information redacted, also is being filed. Kentucky Power will notify the Commission when it determines the information for which confidential treatment is sought is no longer confidential.

A. **The Statutory Standard.**

Kentucky Power does not object to filing the information for which it is seeking confidential treatment, but requests that the identified portions of the contract amendment be excluded from the public record and public disclosure.

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 those portions of the contract amendment for which Kentucky Power is seeking confidential treatment.

The amendment is the result of negotiations between Kentucky Power and ClearResult. The information to be protected includes the units of sale and incremental budget information. Competitors of ClearResult could use the information to reverse-engineer the bid pricing and strategy. Because public disclosure of the financial information would allow other market participants to compete unfairly with the winning bidder, its release could reduce the number of competitors willing to respond to future Company proposals thereby adversely affecting Kentucky Power's future ability to secure the best bid. In addition, it would tend to establish a floor for contract pricing.

B. The Identified Information is Generally Recognized As Confidential and Proprietary and Public Disclosure Of It Will Result In An Unfair Commercial Advantage for Kentucky Power's Competitors.

The identified information required to be disclosed is highly confidential. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power and ClearResult. Kentucky Power and its affiliates, along with ClearResult, take all reasonable measures to prevent its disclosure to the public as well as persons within the Company who do not have a need for the information. The information is not disclosed to persons outside of ClearResult, Kentucky Power, or its affiliates. Within those organizations, the information is available only upon a confidential need-to-know basis that does not extend

beyond those employees with a legitimate business need to know and act upon the identified information.

The confidential information should be kept confidential until December 31, 2021. That period includes the contract term plus a short buffer period. At the end of the confidential period the information will no longer have competitive commercial value.

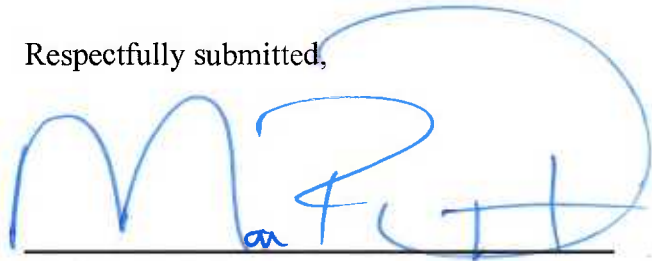
C. The Identified Information Is Required To Be Disclosed To An Agency.

The identified information is being disclosed in response to the Commission's Order. The Commission is a "public agency" as that term is defined at KRS 61.870(1).

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

1. According confidential status to and withholding from public inspection the identified information; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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COUNSEL FOR KENTUCKY POWER  
COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was filed using the Commission's electronic filing system, which will send an e-mail message to the following:

Joe F. Childers  
Joe F. Childers And Associates  
[childerslaw81@gmail.com](mailto:childerslaw81@gmail.com)

on this the 26<sup>th</sup> day of May, 2015.

A handwritten signature in blue ink, appearing to read "Mark R. Overstreet". The signature is stylized, with the first name "Mark" written in a large, rounded script, followed by a small "a" for "and", and "Overstreet" written in a similar script. A horizontal line is drawn underneath the signature.

Mark R. Overstreet