

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

In the Matter of:

The Application of Kentucky Power Company for: )  
(1) A General Adjustment of Its Rates for Electric )  
Service; (2) An Order Approving Its 2014 ) Case No. 2014-00396  
Environmental Compliance Plan; (3) An Order )  
Approving Its Tariffs and Riders; and (4) An Order )  
Granting All Other Required Approvals and Relief )

**PETITION FOR CONFIDENTIAL TREATMENT**

Kentucky Power Company (“Kentucky Power” or “Company”) moves the Commission pursuant to 807 KAR 5:001, Section 13, for an Order granting confidential treatment to the identified portions of the Company’s responses to the following requests for information:

- (1) Commission Staff 3-10;
- (2) Commission Staff 3-37;
- (3) Commission Staff 3-39(b) and (c);
- (4) KIUC 2-20; and
- (5) AG 2-3(b).

Kentucky Power is complying with its obligations under 807 KAR 5:001, Section 13(2)(e) with respect to the filing of redacted and unredacted responses to these requests.

**A. The Requests and the Statutory Standard.**

Kentucky Power does not object to producing the identified information for which it is seeking confidential treatment, but requests that the identified portions of the responses be excluded from the public record and public disclosure. The Company does not object to making the identified information available to those parties to this proceeding that execute an appropriate confidentiality agreement.

The confidential information at issue in this proceeding is protected from public disclosure under the Kentucky Open Records Act ("Act"). KRS 61.878(c)(1) excludes from the 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.

Additionally, KRS 61.878(m)(1)(f) excludes from the Act:

Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to . . . Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems.

Kentucky Power seeks confidential treatment of the following responses because they fall within these exceptions to the Act.

1. Unfair Commercial Advantage to Customers

a. Commission Staff 3-37

Kentucky Power seeks confidential treatment of its response to Commission Staff's Request 3-37 because it contains confidential customer-specific information. Kentucky Power does not release customer-specific information to the public, and these customers expect the Company to protect the confidentiality of the information. These customers operate in competitive national and/or global markets. Releasing the identity of specific customer facilities will allow competitors to gain information regarding the production costs of these customers' goods and services. This information would not otherwise be known in the competitive marketplace, and the public disclosure will place Kentucky Power's customers at a distinct

competitive disadvantage. As a result of this competitive disadvantage, commercial and industrial customers will be less likely to locate in Kentucky Power's service territory, which will result in harm to Kentucky Power. The Commission has recognized the confidentiality of customer-specific information in previous cases and the Company asks that it follow that precedent here. Specifically, Kentucky Power requests that this information be afforded confidential treatment for a period of at least ten years.

b. Commission Staff 3-39(b) and (c)

The information contained in Kentucky Power's response to Commission Staff 3-39(b) and (c) includes projected costs and scheduled dates for planned outages at the Company's Mitchell Plant. Public disclosure of this information will be harmful to Kentucky Power because it will undermine the Company's ability to competitively bid into the power market. Armed with knowledge about Kentucky Power's projected demands, other market participants will be in a position to increase the wholesale cost of power. Such an increase will be harmful to the Company and its customers. This information about projected costs and planned outages is not available for other market participants, and the Commission has recognized the confidentiality of it in previous cases. The Company asks that the Commission follow that precedent here. Specifically, Kentucky Power requests that this information be afforded confidential treatment through September 30, 2017, which is the date through which the planned outage dates and costs are forecasted in the Company's response.

c. AG 2-3(b)

Kentucky Power seeks confidential treatment for information included in its response that addresses a transaction being contemplated by the Company and an unaffiliated third party. Disclosure of the information will disrupt the negotiations and potentially prevent the

consummation of the transaction. Other utilities and businesses treat negotiations of transactions as confidential because disclosure can result in either the inability to consummate the transaction or changes in the relative bargaining positions of the parties. These outcomes will likely result in lost opportunities or increased costs for Kentucky Power. The Company asks that this information be afforded confidential treatment through December 31, 2018, at which time negotiations are expected to have resulted in a transaction or terminated.

d. KIUC 2-20

This request pertains to Kentucky Power's response to KIUC 1-67, for which the Company previously sought confidential treatment. As set forth in the Company's previous motion addressing this issue, the release of this information will place Kentucky Power at a competitive disadvantage. Competitors in the energy and capacity marketplace will be able to use the information to determine Kentucky Power's projected energy and capacity positions and likely market strategies. Armed with this information, Kentucky Power's competitors will be able to set artificial thresholds for market prices by adjusting the manner in which they bid their generating units into the market. Accordingly, Kentucky Power requests that this information be afforded confidential treatment through 2016.

2. Public Safety Threat

a. Commission Staff 3-10

Commission Staff 3-10 asks Kentucky Power to "[d]escribe the results of the NERC CIP audits and provide a copy of the audit reports." This audit concerned compliance with NERC's Critical Infrastructure Protection ("CIP") standards, which address the cyber security components and protections mandated for the nation's Bulk Electrical System. The audit report outlines in detail any potential violations, findings, or concerns discovered during the audit.

AEP and Kentucky Power treat this information as confidential and highly-sensitive. Public disclosure will provide clear insight of the potential gaps in AEP's cyber security controls and defenses of the electrical grid. It is the type of information identified for protection against disclosure in NARUC's publication of "Cybersecurity for State Regulators Version 2.0." Public disclosure of this information will result in a threat to public safety because it will provide potential wrongdoers with critical information about the nation's electrical grid and possible security vulnerabilities. The Commission has recognized the confidentiality of customer information in previous cases and the Company asks that it follow that precedent here. Specifically, Kentucky Power requests that this information be afforded confidential treatment for a period of at least ten years.

**B. The Identified Information is Generally Recognized as Confidential and Proprietary and is Protected from Public Disclosure by Kentucky Power.**

The identified information required to be disclosed by Kentucky Power in response to the data requests at issue is highly confidential. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power, AEP, and AEPSC. The Company, AEP, and AEPSC take all reasonable measures to prevent its disclosure to the public and the information is not disclosed to third parties. Within Kentucky Power, AEP, and AEPSC, the information is available only upon a confidential need-to-know basis that does not extend beyond employees with a legitimate business need to access and act upon the information. The information is not otherwise accessible to employees of Kentucky Power, AEP, or AEPSC.

**C. The Identified Information is Required to be Disclosed to an Agency.**

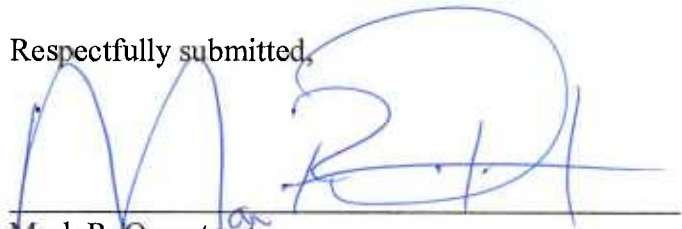
The identified information is required to be disclosed to the Commission and the Commission is a "public agency" as that term is defined at KRS 61.870(1). Any filing should be

subject to a confidentiality order and any party requesting the information should be required to enter into an appropriate confidentiality agreement.

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

1. Affording 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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this the 9th day of March, 2015.

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