

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter Of:

Application Of Kentucky Power Company For )
(1) Authority To Modify Certain Existing )
Demand-Side Management Programs; (2) Authority )
To Implement New Programs; (3) Authority To )
Discontinue Certain Existing Demand-Side Management )
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 )

Case No. 2015-00271

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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 found at page 22 of 24 and page 23 of 24 of work authorization no. 028369110001X110<sup>1</sup> between Kentucky Power and Lime Energy Services Co.

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.

<sup>1</sup> Work authorization no. 028369110001X110 is subject to and governed by the provisions of Contract No. 028369110000X103. A copy of the contract also is being filed. None of its provisions are 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 work authorization no. 028369110001X110 for which Kentucky Power is seeking confidential treatment.

The information for which confidential treatment is sought includes pricing-related information that resulted from negotiations between American Electric Power Service Corporation, on behalf of Kentucky Power, and Lime Energy Services Co. There are a limited number of providers of turnkey energy efficiency improvements for small non-residential customers and the market is competitive.

Competitors of Lime Energy Services Co. 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 Lime Energy Services Co. Kentucky Power and its affiliates, along with Lime Energy Services Co., 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 Lime Energy Services Co., 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 contract expires December 31, 2018. The confidential information should be kept confidential until March 31, 2019. The requested period includes the contract term plus a three-month "buffer" period. Maintaining confidentiality through that date will permit Kentucky Power to solicit bids for, and to implement, a new contract prior to the pricing information becoming public. At the end of the confidential period the information will have limited or no 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 financial information in work authorization no. 028369110001X110; and

2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'M. Overstreet', written over a horizontal line.

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