

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) Case No. 2016-00230
Company from November 1, 2015 Through)
April 30, 2016)

MOTION OF KENTUCKY POWER COMPANY
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 the identified portions of the following attachments: (a) KPCO_R_PSC_1_19 Attachment 2_Confidential.pdf; (b) KPCO_R_PSC_1_26_Attachment1_Confidential.xls; and (c) KPCO_R_PSC_1_28_Attachment1_Confidential.xls. Specifically, Kentucky Power seeks confidential treatment of bid information provided by non-selected third parties in response to the written coal-supply solicitation issued by Kentucky Power during the review period (KPCO_R_PSC_1_19 Attachment 2_Confidential.pdf) and proprietary information provided to Kentucky Power under license from *Platts Gas Weekly* (or that can be used to derive proprietary information provided to Kentucky Power under license from *Platts Gas Weekly*) and utilized by the Company in performing calculations for determining the Company's "peaking unit equivalent" (KPCO_R_PSC_1_26_Attachment1_Confidential.xls and KPCO_R_PSC_1_28_Attachment1_Confidential.xls.)

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal electronic versions of the identified attachments containing confidential information with the confidential

portions highlighted in yellow. Kentucky Power is also filing redacted versions of the attachments. Kentucky Power will notify the Commission when it determines the information for which confidential treatment is sought is no longer confidential.

A. The Requests And The Statutory Standard.

Kentucky Power does not object to filing 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.

KRS 61.878(1)(c)(1) excludes from disclosure under 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 the following information for which Kentucky Power is seeking confidential treatment:

1. **KPCO_R_PSC_1_19 Attachment 2_Confidential.pdf.**

Kentucky Power seeks confidential treatment for the identified portions of KPCO_R_PSC_1_19 Attachment 2_Confidential.pdf. The attachment contains information, including key pricing and business terms, provided to the Company by non-selected third parties in response to written coal supply solicitations and may affect the willingness of future bidders to respond to the Company's solicitations.

Disclosure of this information to the Commission is not prohibited, but the protections afforded by confidential treatment are required. Failure to maintain this information as confidential could have a chilling effect on the willingness of future bidders to submit responses to Kentucky Power coal-supply solicitations and adversely affect the prices paid by the Company and its customers.

The confidential information identified in KPCO_R_PSC_1_19 Attachment 2_Confidential.pdf should be kept confidential for 5 years.¹ After this period, changes in the commodities market will mitigate that the effect of the public disclosure of the information.

2. **KPCO_R_PSC_1_26_Attachment1_Confidential.xls and KPCO_R_PSC_1_28_Attachment1_Confidential.xls.**

Kentucky Power also seeks confidential treatment for the identified portions of KPCO_R_PSC_1_26_Attachment1_Confidential.xls and KPCO_R_PSC_1_28_Attachment1_Confidential.xls. The attachments provide the Company's calculations and supporting data for determining the "peaking unit equivalent," including gas prices published in *Platts Gas Daily* (or that can be used to derive proprietary information from *Platts Gas Weekly*). Kentucky Power does not own this data. Instead, the data is proprietary information published in *Platts Gas Daily* and made available to Kentucky Power through a license agreement with the publisher of *Platts Gas Daily*.

Disclosure of this information to the Commission is not prohibited, but the protections afforded by confidential treatment are required. Public disclosure of the identified information would cause Kentucky Power to violate the terms of its license agreement with the publisher of *Platts Gas Daily*. Such a breach may result in the information no longer being made available to the Company for use in calculating the peaking unit equivalent.

Kentucky Power seeks confidential treatment of the identified information in KPCO_R_PSC_1_26_Attachment1_Confidential.xls and KPCO_R_PSC_1_28_Attachment1_Confidential.xls indefinitely. The identified information is the property of the publisher of *Platts Gas Daily* and not the utility.

¹ The Commission has afforded confidential treatment to similar information in the past including in Kentucky Power's most recent six-month FAC review. See, Order, *In the Matter Of: An Examination of the Application of the Fuel Adjustment Clause of Kentucky Power Company from November 1, 2014 through April 30, 2015*, Case No. 2015-00232 (Ky. P.S.C. November 12, 2015).

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 in KPCO_R_PSC_1_19 Attachment 2_Confidential.pdf; KPCO_R_PSC_1_26_Attachment1_Confidential.xls; and KPCO_R_PSC_1_28_Attachment1_Confidential.xls. is treated as highly confidential. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power, its parent, AEP, and its affiliates (including "AEPSC"). The Company, AEP, and its affiliates 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 for which confidential treatment is sought with respect to KPCO_R_PSC_1_19 Attachment 2_Confidential.pdf is not disclosed to persons outside Kentucky Power, AEP, or its affiliates. Similarly, the "Columbia Gas Appalachia" natural gas prices published in *Platts Gas Daily* for which confidential treatment is sought in connection with KPCO_R_PSC_1_26_Attachment1_Confidential.xls; and KPCO_R_PSC_1_28_Attachment1_Confidential.xls is not disclosed by Kentucky Power, AEP, or its affiliates outside those organizations. (The information may be disclosed by Platts to other organizations but would be subject to similar licensing and confidentiality restrictions.)

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

The identified information is by the terms of the Commission's Order required to be disclosed to the Commission. 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 such information should be required to enter into an appropriate confidentiality agreement.

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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