

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Electronic 2016 Integrated Resource Planning Report)	
Of Kentucky Power Company To The Public Service)	Case No. 2016-00413
Commission Of Kentucky)	

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**MOTION OF KENTUCKY POWER COMPANY
FOR CONFIDENTIAL TREATMENT AND
DEVIATION FROM FILING REQUIREMENTS**

Kentucky Power Company (“Kentucky Power” or “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 its response to Attorney General Data Request 2-11 (“AG 2-11”). Kentucky Power further moves the Commission pursuant to 807 KAR 5:001, Section 22, for leave to deviate from the filing requirements of the Commission’s November 30, 2016 Order and 807 KAR 5:001, Section 8 for Attachment 1 to the Company’s response to Sierra Club 2-16 (“SC 2-16”). Specifically, Kentucky Power seeks confidential treatment of non-public information relating to forecasted compliance costs associated with environmental regulations and a deviation from the filing requirements to allow it to file a DVD containing Attachment 1 to SC 2-16 because the attachment cannot be uploaded to the Commission’s website.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal those portions of the Company’s response to AG 2-11 containing confidential information with the confidential portions highlighted in yellow. Kentucky Power is also filing redacted versions of

the affected document. Kentucky Power will notify the Commission when the information for which confidential treatment is sought is no longer confidential.

Kentucky Power is filing six copies of the DVD containing Attachment 1 to SC 2-16 with the Commission and has served a copy of the DVD via first class mail on counsel for all parties to this case.

I. KENTUCKY POWER'S REQUEST FOR CONFIDENTIAL TREATMENT

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 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. Kentucky Power's Response to AG 2-11.

The Company's response to AG 2-11 contains information relating to forecasted compliance costs associated with environmental regulations. The estimated compliance costs associated with the Coal Combustion Residuals Rule ("the CCR Rule") represent the Company's estimate of the costs associated with one possible compliance scenario under this regulation. The cost estimates for the IRP were developed using knowledge that is not readily available outside the Company, including engineering studies and pilot projects conducted for the Company by third parties at significant cost. Such information could be used by other parties to

develop their own cost estimates without performing the same analysis, and incurring the same costs, that the Company performed and incurred to obtain the information. Such actions would add disproportionately to the Company's compliance costs when compared to similar companies, thus disadvantaging Kentucky Power and its customers. Competitors could also use these compliance costs to estimate the impact of compliance on Kentucky Power's bids in the wholesale power market. In the competitive PJM market, information about Kentucky Power's costs could be used by competitors to gain a competitive advantage to the detriment of the Company's customers in Kentucky Power's daily participation in the PJM energy and ancillary service markets, as well as the PJM capacity auctions.

Confidentiality should be maintained until the compliance requirements are certain and the earlier of the date the costs are publicly disclosed or are actually incurred. Therefore, the Company requests that the identified information in its response to AG 2-11 remain confidential until the earlier of such time as regulatory proceedings seeking approval for these projects are filed or October 17, 2019, the latest possible compliance date for the CCR Rule.

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 by Kentucky Power in response to AG 2-11 is highly confidential. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power, 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 to persons within the Company who do not have a need for the information. 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.

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

The identified information is required by the terms of the Commission's Order 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.

II. KENTUCKY POWER'S MOTION FOR DEVIATION

Kentucky Power seeks leave from the Commission pursuant to 807 KAR 5:001, Section 22, to deviate from the filing requirements of the Commission's November 30, 2016 Order and 807 KAR 5:001, Section 8 in connection with the filing of Attachment 1 to the Company's response to SC 2-16. Attachment 1 to the Company's response to SC 2-16 is a copy of modeling analysis prepared by the West Virginia Department of Environmental Protection ("WVDEP"). WVDEP utilized this modeling analysis as the basis for its attainment State Implementation Plan submittal to the United States Environmental Protection Agency following revisions to the 1-hour SO₂ national ambient air quality standard.

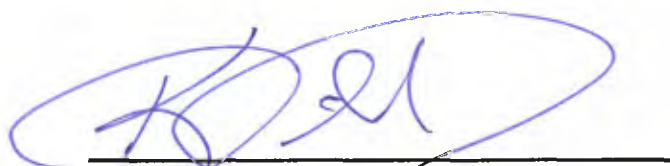
Because the Company did not prepare the modeling analysis itself, it requested a copy of the analysis from WVDEP. WVDEP provided the Company with a DVD containing the modeling analysis requested in SC 2-16. The modeling analysis files contained on the WVDEP DVD total 2.8 GB in size. In addition to the size of the modeling analysis files contained on the WVDEP DVD, the type of files included in the analysis are unique to the modeling performed by WVDEP and cannot be converted into portable document format or Excel spreadsheet documents. Because of the size of the WVDEP modeling analysis and the nature of the files included therein, the Company cannot upload Attachment 1 to SC 2-16 to the Commission's website.

Kentucky Power seeks leave to respond to SC 2-16 by filing copies of the WVDEP modeling analysis on DVD in lieu of uploading the analysis.

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;
2. Granting leave to deviate from electronic filing requirements; and
3. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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