

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

In the Matter of:

Electronic Application Of Kentucky Power	)	
Company For (1) A General Adjustment Of Its	)	
Rates For Electric Service; (2) An Order	)	
Approving Its 2017 Environmental Compliance	)	
Plan; (3) An Order Approving Its Tariffs And	)	Case No. 2017-00179
Riders; (4) An Order Approving Accounting	)	
Practices To Establish Regulatory Assets Or	)	
Liabilities; And (5) An Order Granting All Other	)	
Required Approvals And Relief	)	

**KENTUCKY POWER COMPANY’S MOTION  
FOR CONFIDENTIAL TREATMENT**

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 its November 8, 2017 Amended and Supplemental Response to Attorney General Data Requests D-WP-7 (“AG D-WP-7”). In particular, Kentucky Power seeks confidential treatment of AG D-WP-7 itself. The Company’s Amended and Supplemental Response to AG D-WP-7 is not confidential. Kentucky Power sought confidential treatment of AG D-WP-7 in its September 25, 2017 motion for Confidential Treatment accompanying the Company’s response to the Attorney General’s data requests relating to his review of the Deloitte workpapers.<sup>1</sup>

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under its November 8, 2017 Amended and Supplemental Response to AG D-WP-7 with the confidential portions highlighted in yellow or otherwise indicated as being confidential. Kentucky Power is also filing

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<sup>1</sup> These data requests were filed pursuant to the Commission’s Order in this case dated September 13, 2017. The requests were redacted by the Attorney General when filed with the Commission.

redacted versions of the affected documents. 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) excludes from the Open Records Act:

(c)(1) 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;

These exceptions apply to the following information for which Kentucky Power is seeking confidential treatment:

**1. The Company's November 8, 2017 Amended and Supplemental Response to AG D-WP-7.**

The Company's November 8, 2017 Amended and Supplemental Response to AG D-WP-7 include specific information obtained from the audit documentation of Deloitte & Touche LLP, the Company's external auditor ("Deloitte audit documentation"). AG D-WP-7 was among the data requests propounded by the Attorney General following his review of, and based upon, the Deloitte audit documentation. AG D-WP-7 expressly references or incorporates in part the contents Deloitte's audit documentation.

The Deloitte audit documentation reviewed by the Attorney General is the property of Deloitte; it is not the property Kentucky Power or its parent, American Electric Power Company, Inc. The Deloitte audit documentation referenced by the Attorney General in AG D-WP-7 is part of the exclusive auditor/client relationship and has been identified by Deloitte as "contain[ing] trade secrets and confidential commercial and financial information of Deloitte...."

Although Kentucky Power facilitated the Attorney General's review of the Deloitte audit documentation, the determination of whether to make Deloitte's property available to the Attorney General ultimately resided with Deloitte. The Deloitte audit documentation is the subject of a separate non-disclosure agreement between the Attorney General and Deloitte. Upon information and belief, Kentucky Power states that the Deloitte audit documentation would not have been made available to the Attorney General but on terms that required that the Deloitte audit documentation not be publicly filed.

Kentucky Power seeks confidential treatment of its November 8, 2017 Amended and Supplemental Response to AG D-WP-7 indefinitely. The identified information belongs to Deloitte and not Kentucky Power. Absent a waiver of confidential treatment by Deloitte, the information should remain confidential indefinitely.<sup>2</sup>

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

The identified information for which Kentucky Power is seeking confidential protection is highly confidential. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power, AEP, and, upon information and belief, Deloitte. The Company, AEP, and, upon information and belief, Deloitte, take all reasonable measures to prevent its disclosure to the public and the information is not disclosed to third parties. Within these entities, 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, upon information and belief, Deloitte.

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<sup>2</sup> The Commission granted confidential treatment for similar information in Case No 2014-00396. Kentucky Power is unaware of any instances where the Commission has denied confidential treatment to similar information in other proceedings.

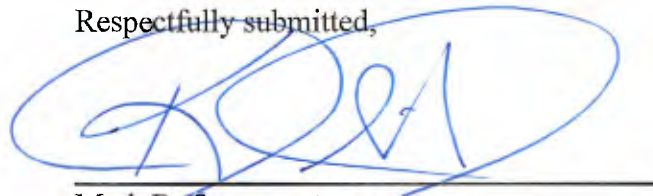
**C. The Identified Information is Required to be Disclosed to an Agency.**

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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