

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Electronic Application Of Kentucky Power)
Company For A Certificate Of Public Convenience)
And Necessity To Construct A 161 kV) Case No. 2017-00328
Transmission Line In Perry And Leslie Counties,)
Kentucky And Associated Facilities)
(Hazard-Wooton Line))

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 the identified portions of KPCO_R_AG_2_2_Attachment1_redacted.pdf provided as part of the Company’s response to AG 2-2(a).

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal the portion of the attachment containing confidential information with the confidential portions highlighted in yellow. Kentucky Power is also filing redacted versions of the subject document.

A. The Material 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) in pertinent part excludes from the Open Records Act:

(k) All public records or information that disclosure of which is prohibited by federal law or regulation;

...

(m)(1) 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:

...

(f) 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.

These exceptions apply to those portions of KPCO_R_AG_2_2_Attachment1_redacted.pdf for which Kentucky Power is seeking confidential treatment.

The portions of KPCO_R_AG_2_2_Attachment1_redacted.pdf for which confidential treatment is sought provide or constitute specific engineering, vulnerability, and detailed design information about critical electrical infrastructure that relates details about the transportation, transmission, or distribution of energy and could be useful to a person in planning an attack on critical electrical infrastructure. The material for which confidential treatment is sought is thus protected from disclosure by KRS 61.878(1)(m)(1)(f). The material also is protected from public disclosure by 18 CFR 388.113(c)(1) and (2) and thus is exempted from disclosure by KRS 61.818(1)(k).

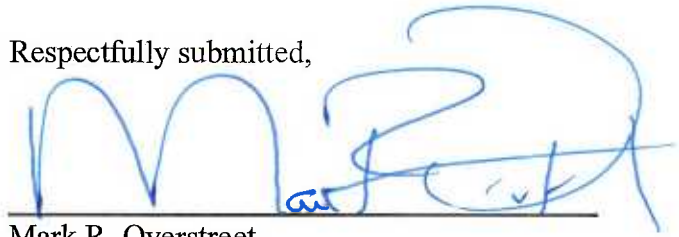
B. The Period During Which The Material Should Be Accorded Confidential Treatment.

Given the nature of the information to be protected (critical electrical infrastructure information) and the anticipated life of the facilities, the material should be accorded confidential treatment and excluded from the public record for an indefinite period. Kentucky Power will notify the Commission when it determines the information for which confidential treatment is sought is no longer confidential.

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 for an indefinite period; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



Mark R. Overstreet
STITES & HARBISON PLLC
421 West Main Street
P. O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477
Facsimile: (502) 223-4124
moverstreet@stites.com

COUNSEL FOR KENTUCKY POWER
COMPANY