

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

In the Matter of:

Riverside Generation Company, L.L.C.)	
COMPLAINANT)	
)	
v.)	Case No. 2017-00472
)	
Kentucky Power Company)	
DEFENDANT)	

**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 the following documents:

- (1) Attachment 1 to its response to Commission Staff Data Request 1-2 (“Staff 1-2”); and
- (2) Attachment 1 to its response to Riverside Generation Company, L.L.C.’s Data Request 1-12 (“Riverside 1-12”).

Specifically, Kentucky Power seeks confidential treatment of information containing customer specific data.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal those portions of the documents identified above containing confidential information with the confidential portions highlighted in yellow. Kentucky Power is also filing 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)(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. **Attachment 1 to KPSC 1-2 and Attachment 1 to Riverside 1-12.**

Kentucky Power seeks confidential treatment for the identified portions of Attachment 1 to its response to KPSC 1-2 and Attachment 1 to Riverside 1-12 ("Customer Attachments"). The Customer Attachments contain customer-specific information concerning purchases and generation of electricity by Riverside Generation Company, L.L.C. ("Riverside"). Kentucky Power does not release customer-specific information to the public, and its customers expect the Company to protect the confidentiality of the information. Customers such as Riverside operate in competitive markets. Releasing Riverside's customer specific information publicly will allow competitors to gain specific information regarding Riverside's costs. Publicly disclosing information customer specific cost information could make it less likely that customers will locate in Kentucky Power's service territory, which will result in harm to Kentucky Power.

The Commission has recognized the confidentiality of customer information in previous cases¹ and the Company asks that it follow that precedent here. Kentucky Power seeks confidential treatment of the identified information in the Customer Attachments indefinitely. Absent a waiver of confidential treatment by the customer, the information should remain confidential indefinitely.

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 Staff 1-2 and Riverside 1-12 is 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 is not disclosed to persons outside Kentucky Power, AEP, 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. In addition, Kentucky Power and AEPSC have further limited the availability of the information to ensure the integrity of the RFP process.

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

¹ The Commission granted confidential treatment to similar customer specific information in Case Nos. 2014-00396 and 2017-00179. Kentucky Power is unaware of any instances where the Commission has denied confidential treatment to similar information in other proceedings.

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,

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

Mark R. Overstreet
Katie M. Glass
STITES & HARBISON PLLC
421 West Main Street
P. O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477

Kenneth J. Gish, Jr.
STITES & HARBISON PLLC
250 West Main Street, Suite 2300
Lexington, Kentucky 40507
Telephone: (859) 226-2300

COUNSEL FOR KENTUCKY POWER
COMPANY