

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

In The Matter Of:

Electronic Application of Kentucky Power)	
Company For Approval Of A Contract)	Case No. 2018-00418
For Electric Service With Braidy Industries Inc.)	

AFFIDAVIT OF STEVEN MILLER

Steven Miller, first being duly sworn, states:

Background

1. I am of the age of majority and competent to make this affidavit. I have personal knowledge of the matters set forth in this affidavit.

2 I am employed by Braidy Industries Inc. (“Braidy”). I am employed as Chief Procurement Officer. In that capacity, I manage the business operations for Braidy relating to procurement of goods and services as part of the operation, construction, and development of a state of the art aluminum rolling mill in Boyd and Greenup Counties in eastern Kentucky. When completed, the Braidy aluminum mill will produce aluminum sheet product for the automobile and aerospace industries. I have personal knowledge of the Contract for Electric Service between Kentucky Power Company and Braidy Industries Inc. (“Special Contract”) that is the subject of this case.

3. I have specific personal knowledge of the confidential, proprietary, and competitively sensitive nature of the confidential information that is the subject of Kentucky Power’s Motion for Confidential Treatment (Confidential Information) through my contract negotiations in my capacity as the Chief Procurement Officer of Braidy. I also have personal knowledge of efforts taken by Braidy to maintain the secrecy of the Confidential Information

through my direct dealings with Kentucky Power Company and its officers. Finally, I have personal knowledge through my efforts to negotiate contracts for the operations of the aluminum mill and securing contracts for aluminum products manufactured at the plant, of the effect the public disclosure of the Confidential Information would have on Braidy's ability to maintain its commercial advantage by locating in eastern Kentucky and to maintain its competitive advantage in the aluminum market for low cost high quality products.

The Information For Which Confidential Treatment Is Being Sought

4. It is my understanding that Kentucky Power seeks confidential protection for identified portions of the Special Contract, and direct testimony filed in support of its Application for approval of the Special Contract, which include:

(a) Information regarding the special economic development pricing contained in the Special Contract; and

(b) Information regarding the calculation of Braidy's overall bill for electric service, which is set forth in the Bill Illustration Addendum to the Special Contract.

This information is confidential, proprietary, competitively sensitive, and a trade secret.

**Public Disclosure Of The Confidential Information
Will Provide An Unfair Commercial Advantage To Competitors Of Braidy**

5. If the information identified in paragraph 4(a) above is disclosed to the public regarding utility rate pricing in the Special Contract, then Braidy will be placed in an unfair commercial disadvantage to its competitors. Competitors will be permitted to calculate one of the major costs to be incurred by Braidy in producing its products; and therefore competitors world-wide may potentially have the ability to undercut Braidy when selling or purchasing aluminum products. For this very reason, costs in producing aluminum products are held

confidential and considered proprietary in the industry. All information regarding the actual costs incurred by Braidy are restricted by Braidy to prevent unfair competition. Further, the types of products to be manufactured by Braidy include, but are not limited to, various alloys of rolled sheet aluminium which are also manufactured by such companies as Arconic, Novellis, Aleris, Constellium, UACJ, TaChen, and their affiliated other companies. We assume all of these companies will be interested in the pricing and costs of Braidy's products when pricing their own products due to the competitive nature of the aluminum market. Additionally, those companies negotiating to purchase aluminum from Braidy will be interested in determining the cost incurred by Braidy to produce the various products so as to negotiate the best possible price. The information regarding the actual costs of manufacturing, including but not limited to electric and utility costs, should remain confidential and not available for public inspection. Open disclosure will permit an unfair commercial advantage to competitors and also permit an unfair commercial advantage for prospective purchasers of product.

6. If the information identified in paragraph 4(b) above is disclosed to the public regarding the calculation of Braidy's overall bill for electric service, such billing information will permit third parties to calculate the costs of producing products by Braidy and place Braidy in a commercial disadvantage for all the same reasons as contained in paragraph 5 above. Additionally, billing information for competitors may not likewise be available to Braidy for its review and consideration.

The Confidential Information Is Not Available Or Ascertainable By Other Parties

8. The Confidential Information is not available or ascertainable by other parties through normal or proper means. No reasonable amount of independent research could yield this information to other parties.


9. The Confidential Information has been the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Braidy limits public access to buildings housing the Confidential Information by use of security guards. Persons not employed by Braidy who are allowed past security guards at buildings where Confidential Information is kept are not permitted to walk within such buildings without an escort. Braidy's files containing the Confidential Information are maintained separately from Braidy's general records and access to those files is restricted. Within Braidy, access to this information has been and will continue to be disclosed only to those employees, officers and representatives of Braidy who have a need to know about such information due to their job and management responsibilities. Outside Kentucky Power and Braidy, it is my understanding that this information is only provided to certain persons who have a legitimate need to review the information to participate in this case and who sign a confidentiality agreement.

10. Further the Affiant sayeth naught.


Steven Miller *for [unclear]*

STATE OF KENTUCKY)
) SS:
COUNTY OF Boyd)

Subscribed and sworn to before me, a Notary Public, in and for said County and State this
20th day of December, 2018.


Notary Public

