

**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) Approval Of Tariffs And Riders; (3))
Approval Of Accounting Practices To Establish) Case No. 2020-00174
Regulatory Assets And Liabilities; (4) Approval Of A)
Certificate Of Public Convenience And Necessity;)
And (5) 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 the customer names as presented on the following attachment to its supplemental data request responses: KPCO_R_KIUC_AG_1_4_ConfidentialAttachment2 ("KIUC-AG 1-4").

Pursuant to 807 KAR 5:001, Section 13, and the Commission's March 16, 2020 and June 16, 2020 Orders in Case No. 2020-00085, Kentucky Power separately is filing under seal those portions of the attachment containing confidential information with the confidential portions highlighted in yellow. Kentucky Power is also filing a redacted version of KIUC-AG 1-4 in the public file. Kentucky Power will notify the Commission if it determines the information for which confidential treatment is sought is no longer confidential.

MOTION 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 KIUC-AG 1-4 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 in KIUC-AG 1-4, for which Kentucky Power is seeking confidential treatment:

B. KIUC-AG 1-4.

KIUC-AG 1-4 contains the name and account number of each commercial and industrial customer whose billing units were adjusted from the test year on the Company's LGS-PRI TOD, LGS-SUB, IGS-PRI, IGS-SUB, and IGS-TRAN worksheets, along with the amounts of such adjustments and the reasons for the adjustments. The Company seeks only to protect the customer names associated with the account numbers, adjustment amounts, and explanations.

C. The Identified Information is Generally Recognized as Confidential and Proprietary, and its Public Disclosure Could Result in an Unfair Commercial Advantage for Competitors of Kentucky Power's Commercial and Industrial Customers And the Company.

The identified commercial and industrial customer information required to be disclosed by Kentucky Power in KIUC-AG 1-4 is confidential. Many of the Company's commercial and industrial customers operate in competitive national and/or global markets. Releasing the customers' identities and the Company's associated billing unit adjustments that reflect changes in specific customers' loads could allow competitors to gain specific information regarding these

customers' business operations and potentially infer information regarding these customers' finances. This information would not otherwise be known in the competitive marketplace, and the public disclosure could place Kentucky Power's commercial and industrial customers at a distinct competitive disadvantage. As a result of this competitive disadvantage, commercial and industrial customers may be less likely to locate in Kentucky Power's service territory, which will result in harm to Kentucky Power.

The Company, American Electric Power Company, Inc. ("AEP"), and their affiliates take all reasonable measures to prevent disclosure of this type of information to the public as well as persons within the Company and third-party vendors 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.

The Commission has previously protected the confidentiality of similar customer information;¹ the Company asks that the Commission follow that precedent here. Specifically, Kentucky Power requests that subject information for commercial and industrial customers be afforded confidential treatment for a period of at least ten years. After that period, the information will no longer provide commercial advantage.

¹ *E.g., Order, In the Matter of: Electronic Application Of Kentucky Power Company To Amend The Settlement Agreement Approved In Case No. 2018-00035 To Provide For The One-Time Amortization Of Unprotected Accumulated Deferred Federal Income Tax In An Amount Sufficient To Eliminate Customer Delinquencies Greater Than 30 Days As of May 28, 2020, Case No. 2020-00176 (Ky. P.S.C., July 14, 2020).*

D. The Identified Information is Required to be Disclosed to an Agency.

The identified information is by the terms of the Commission's discovery rules and procedural order in this case required to be disclosed to the Commission. The Commission is a "public agency" as that term is defined in 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 for the periods indicated above the identified information from public inspection; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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
Facsimile: (502) 779-8349
moverstreet@stites.com
kglass@stites.com

Christen M. Blend (*pro hac vice*)
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
Telephone: (614) 716-1915
Facsimile: (614) 716-2950
cblend@aep.com

COUNSEL FOR KENTUCKY POWER
COMPANY