

**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 (“Commission”) pursuant to 807 KAR 5:001, Section 13(2), and KRS 61.878(1)(c) for an Order granting confidential treatment to the identified portions of Attachment 16 to its response to Kentucky Industrial Utility Customers, Inc. and Attorney General’s Joint Data Request 1-97 (“KIUC-AG 1-97”). Specifically, Kentucky Power seeks confidential treatment of information relating to competitively sensitive negotiated labor rates.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal those portions of the attachment 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.

I. 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 it requests that the identified portions of the response 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.

This exceptions applies to the following information for which Kentucky Power is seeking confidential treatment:

1. **Attachment 16 to KIUC-AG 1-97.**

Attachment 16 to KIUC-AG 1-97 contains labor rates that are negotiated between Kentucky Power's affiliate Appalachian Power Company ("APCo") and labor unions, and those rates vary between operating companies and by state. Allowing the rates to become public will provide an unfair competitive advantage to unions and third-party contractors in the negotiation of future labor rates for meter reading, line servicing, and customer service work with the Company and its affiliates. Without fair competition, the Company and its affiliates may pay higher costs that would ultimately be borne by its customers going forward.

APCo prepared and has produced this document under confidential designation in discovery in a currently-pending rate case before the State Corporation Commission of Virginia, SCC Case No. PUR-2020-00015. The information was provided to Kentucky Power by APCo on a confidential basis. Failure to maintain the document as confidential in this proceeding would

not only prejudice APCo's ability to preserve the confidentiality of the document under Virginia law but would limit the Company's access to such information in the future.

The Company requests that the designated information be afforded confidential treatment for 10 years, after which time it will no longer be of competitive value. The wage rate information remains competitively useful to other bargaining units and third-party contractors (and thus competitively injurious to Kentucky Power and APCo) for a reasonable period after the expiration of the then-current labor agreement as a benchmark for future negotiations.

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 KIUC-AG 1-97 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 APCo). The Company, AEP, and its affiliates take all reasonable measures to prevent its disclosure to the public as well as persons within the Company and its affiliates 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.

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 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 from public inspection for 10 years the information identified in Attachment 16 to the Company's response to Kentucky Industrial Utility Customers, Inc. and Attorney General's Joint Data Request 1-97; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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