

**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 Confidential Attachments 1 through 61 to its supplemental response to Sierra Club Data Request 2-3 (“Sierra Club 2-3”). The attachments are confidential in their entirety. Specifically, Kentucky Power seeks confidential treatment of information relating to competitively sensitive information containing economic analyses regarding unit commitment decisions for the Mitchell generating station during the test year as well as the Company’s forecasted hourly load, forecasted market prices, and forecasted market load.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal those portions of the attachments containing confidential information with the confidential portions highlighted in yellow or, where an entire document is confidential, is filing the entire document under seal. Kentucky Power is also filing public versions of the relevant documents. Kentucky Power will notify the Commission in the future if the Company determines the information for which

confidential treatment is sought is no longer confidential prior to the end of the period for which confidential treatment is requested herein.

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 responses 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 for which Kentucky Power is seeking confidential treatment:

1. **Attachments 1 through 61 to Sierra Club 2-3.**

Attachments 1 through 61 to the Company's supplemental response to Sierra Club 2-3(d)(iv) contain economic analyses regarding unit commitment decisions for the Mitchell generating station during the test year as well as the Company's forecasts of market prices, peak demands, and load obligations for the days covered in this analysis. Specifically, each of these attachments contain, on a daily basis for a 6-day period, AEP's expected margin for its Mitchell generating units for a given set of PJM Day Ahead forecasted prices. In addition, these attachments contain, over that 6-day period, the units' potential offer status in the Day Ahead market, Kentucky Power's estimated daily peak load with the expected hour the peak will occur, and Kentucky Power's hourly load obligations for that 6-day period.

Competitors of Kentucky Power can use this information to identify the Company's expected daily margins for its Mitchell generating units for a given set of prices, the Company's overall load profile including peak demand and time of peak demand, and the Company's forecast of PJM hourly load. In addition, when combined with the information provided in the Company's response to KPSC 5-6 and KPSC 5-7, the potential for competitive injury is compounded because the hourly market awards provided in KPSC 5-6, and the cost-related and revenue-related data for those units provided in KPSC 5-7, allow a competitor to fully analyze the Company's market capabilities of its Mitchell generating units. In conjunction with the data provided in response to KPSC 5-6 and KPSC 5-7, the information could be used to create a bidding strategy. Further, the generating units included in this information also serve Wheeling Power Company. Public disclosure thus would extend the unfair competitive injury to other utilities.

This data could be used by competitors in the PJM energy market to enhance their market offers to displace the Company's generation. Neither the Company nor its competitors publicly release this information. The Company estimates that after five years the factors that drive both the economics of the Mitchell generating units, the Company's hourly load profile, the market (transmission, congestion, weather, loads in PJM, and PJM load zones) will render the information provided in the supplemental attachments of limited competitive value. Therefore, Kentucky Power requests the identified information be kept confidential for a period of five years.

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 contained in Confidential Attachments 1 through 61 to its supplemental response to Sierra Club Data Request 2-3 is highly confidential and competitively

sensitive. Dissemination of the information for which confidential treatment is being requested is restricted by Kentucky Power, its parent, AEP, and its affiliates (including American Electric Power Service Corporation (“AEPSC”) and the affected operating company affiliates). 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.

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 the identified information in Confidential Attachments 1 through 61 to the Company’s supplemental response to Sierra Club 2-3 for a period of five years; 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) 223-4124

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