

**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)(a), (c), (k), and (m) for an Order granting confidential treatment to the identified portions of the following attachments to its data request responses:

- (1) Attachment 1 to its response to Commission Staff Data Request 5-6 (“KPSC 5-6”);
- (2) Attachment 1 to its response to Commission Staff Data Request 5-7 (“KPSC 5-7”);
- (3) Attachment 1 to its response to Joint Intervenors, Mountain Association, Kentucky Solar Energy Society, and Kentuckians For The Commonwealth (“Joint Intervenors”) Data Request 2-10 (“Joint Intervenors 2-10”); and
- (4) Attachment 1 to its response to Joint Intervenors Data Request 2-20 (“Joint Intervenors 2-20”).

Specifically, Kentucky Power seeks confidential treatment of information relating to:

- (i) competitively sensitive information regarding unit availability and revenue and cost details at the individual generating unit level (Attachment 1 to KPSC 5-6 and Attachment 1 to KPSC 5-7);
- (ii) the non-public usage information of the Company’s customers (Attachment 1 to Joint Intervenors 2-10); and

(iii) confidential and competitively sensitive information filed in connection with the Company's December 20, 2019 Integrated Resource Planning Report ("IRP Report") (Attachment 1 to Joint Intervenors 2-20).

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:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

...

(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.

...

(k) All public records or information the disclosure of which is prohibited by federal law or regulation;

(m) (1) Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:

...

(f) Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems...

These exceptions apply to the following information for which Kentucky Power is seeking confidential treatment:

1. Attachment 1 to KPSC 5-6 and Attachment 1 to KPSC 5-7.

(a) Attachment 1 to KPSC 5-6.

Attachment 1 to KPSC 5-6 contains information regarding each of Kentucky Power's generating unit's availability and offering status for the past three calendar years. Competitors of Kentucky Power can use this information to identify the hours over the last three calendar years when Kentucky's Power's units were available, analyze outage trends over that period, and identify the economic range of the Company's generating units to optimize the competitors' offering strategies in the PJM energy markets. The generating units included in this information also serve Indiana Michigan Power Company and Wheeling Power Company, which extends the unfair competitive injury to other utilities. In addition, when combined with the information provided in the Company's response to KPSC 5-7, the potential for competitive injury is compounded because the cost-related and revenue-related data for those units is provided in KPSC 5-7.

The information contained in Attachment 1 to KPSC 5-6 is operational in nature and cannot readily be used to create a bidding strategy. Therefore, this information becomes less

competitively valuable with the passage of time than the cost-based information contained in Attachment 1 to KPSC 5-7. The Company estimates that after two years the factors that drive the market (transmission, congestion, weather, loads in PJM, and PJM load zones) will render the information provided in Attachment 1 to KPSC 5-6 of limited competitive value. Therefore, Kentucky Power requests the identified information in Attachment 1 to KPSC 5-6 be kept confidential for a period of two years.

(a) Attachment 1 to KPSC 5-7.

Attachment 1 to KPSC 5-7 contains, on an hourly basis, the average revenues and average cost and sale terms for energy produced by the generating units that supply Kentucky Power's energy. This data could be used by competitors in the PJM energy market to enhance their market offers to displace the Company's generation. The data reflects the output of internal software along with other proprietary information, such as incremental cost data and heat rate curves, for individual generating units. Neither the Company nor its competitors publicly release this information at the level of detail provided in Attachment 1 to KPSC 5-7, and instead only provide it on a monthly or annual basis without the individual generating unit detail. These generating units also serve Indiana Michigan Power Company and Wheeling Power Company, which extends the competitive harm to other utilities. This data can provide further competitive advantage when combined with the data provided in Attachment 1 to KPSC 5-6, which provides the economic generation range for those units as well as the hourly offers and awards in the Day Ahead energy market.

The information contained in Attachment 1 to KPSC 5-7 is cost-based in nature and can be easily converted into bidding strategy. As such, it is anticipated to retain its competitive value for a longer period than the information provided in response to KPSC 5-6. Therefore, the

information contained in Attachment 1 to KPSC 5-7 should be kept confidential for a period of four years, after which time the data will become outdated and lack competitive value.

2. Attachment 1 to Joint Intervenors 2-10.

Attachment 1 to Joint Intervenors 2-10 contains customer- and account-specific energy usage information. The Company does not release such customer-specific usage information to the public, and most customers expect the Company to protect the confidentiality of this information. The requested customer-specific information could be used by competitors of the Company's customers to gain intelligence that is not otherwise known regarding production costs and the customer's cost of doing business, which will place the customers at a competitive disadvantage. As a result of any disclosure of this information by the Company, and the competitive disadvantage coincident with such disclosure, similarly situated customers would be less likely to locate in the Company's service territory.

The confidential information identified in Attachment 1 to Joint Intervenors 2-10 should be kept confidential for a period of 10 years. At such time there will no longer be any competitive advantage to be gained from the information.

3. Attachment 1 to Joint Intervenors 2-20.

Attachment 1 to Joint Intervenors 2-20 contains the Company's IRP Report. The IRP Report previously was filed by the Company in Case No. 2019-00443. The Company provided a link to Commission's website where the public version of the IRP Report can be accessed. The non-public version of the IRP Report contains confidential information for which the Company previously sought and was granted confidential treatment in Case No. 2019-00443.¹ The Company therefore seeks the same confidential treatment for those portions of the IRP Report

¹ See *In the Matter of: Electronic 2019 Integrated Resource Planning Report Of Kentucky Power Company To The Public Service Commission of Kentucky*, Case No. 2019-00443, Order at 3 (March 3, 2020).

previously granted. Specifically, Kentucky Power is seeking confidential treatment for the following information and documents contained in Attachment 1 to Joint Intervenors 2-20:

Item No.	Exhibit Number or Page Number	Description of Confidential and Proprietary Information	Statutory Basis for According Confidential Treatment
1	Exhibit I, Pages 1406-1710, 1714-1717, 1720-1723, 1726-1728, 1730-1732, 1734-1737, 1739-1741, 1743-1746, 1748-1751, 1753-1755, 1758-2089, 2092-2102, 2132-2153, 2156-2160, 2188-2195, 2244-2245, 2247-2268	Confidential historical and forecast non-public customer-specific information; forecast sales to individual wholesale customers; and related forecasted electricity prices through 2054.	KRS 61.878(1)(c)(1)
2	Exhibits G-5, G-7, G-8, pages 267, 269, 270 of 2268	Projected Average Fuel Costs through 2034; Projected Non-fuel O&M through 2034; and Projected Variable Production Costs through 2034	KRS 61.878(1)(c)(1)
3	Exhibits G-2, G-3, G-4, pages 264-266 of 2268	Projected Capacity Factors (steam) through 2034; Projected Availability Factors (steam) through 2034; Projected Average heat Rates through 2034	KRS 61.878(1)(c)(1)
4	Exhibit F, page 260 of 2268	AEP Power System (generation and transmission detail)	KRS 61.878(1)(m)(1)(f); and KRS 61.878(1)(k)
5	Exhibit F, page 261 of 2268	Kentucky Power Transmission Line Network	KRS 61.878(1)(m)(1)(f); and KRS 61.878(1)(k)

The confidential information identified in Attachment 1 to Joint Intervenors 2-20 should be kept confidential indefinitely, or until further order of the Commission. The Company was granted confidential treatment of this information for the same indefinite period in Case No. 2019-00443.²

² See note 1.

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 KPSC 5-6, KPSC 5-7, Joint Intervenors 2-10, and Joint Intervenors 2-20 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 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.

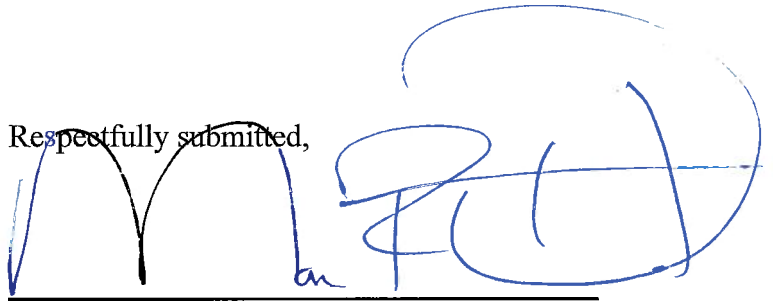
C. The Identified Information is Required to be Disclosed to an Agency.

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 as detailed in the table in Exhibit 1 attached hereto; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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COUNSEL FOR KENTUCKY POWER
COMPANY

EXHIBIT 1

Response	Attachment name	Information for which confidential treatment is sought	Time period to be kept confidential
KPSC 5-6	KPCO_R_KPSC_5_6_ConfidentialAttachment1	Entire Document	2 years
KPSC 5-7	KPCO_R_KPSC_5_7_ConfidentialAttachment1	Entire Document	4 years
Joint Intervenors 2-10	KPCO_R_JI_2_10_ConfidentialAttachment1	Highlighted portions	10 years
Joint Intervenors 2-20	KPCO_R_JI_2_20_ConfidentialAttachment1	Highlighted portions	Indefinitely, or until further order of the Commission