

**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 (l) for an Order granting confidential treatment to the entirety of three documents to be introduced as exhibits at the hearing on this matter beginning November 17, 2020. Specifically, Kentucky Power seeks confidential treatment of three credit opinions prepared by Moody’s Investor Service relating to Duke Energy Kentucky, Inc., Kentucky Utilities Company, and Louisville Gas & Electric Company.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power will be introducing the exhibits during a confidential session at the hearing on this matter. Kentucky Power will also file redacted public versions of the exhibits into the hearing record. 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. Three credit opinions prepared by Moody's Investor Service.

Kentucky Power seeks confidential treatment for the entirety of three credit opinions prepared by Moody's Investor Service ("Moody's") relating to Duke Energy Kentucky, Inc., Kentucky Utilities Company, and Louisville Gas & Electric Company ("Credit Opinions") that the Company intends to introduce as exhibits at the hearing on this matter. The Credit Opinions are prepared by Moody's and available to Kentucky Power pursuant to its paid subscription agreement with Moody's. The subscription agreement prohibits Kentucky Power from copying, transferring, or disseminating the Credit Opinions "unless authorized under a contract with Moody's or otherwise authorized in writing by Moody's." The Credit Opinions are the property of Moody's; they are not the property Kentucky Power or its parent, American Electric Power Company, Inc. However, Kentucky Power has been authorized by Moody's to use these exhibits at the hearing on this matter if granted confidential treatment.

Kentucky Power seeks confidential treatment of the Credit Opinions indefinitely. The identified information belongs to Moody's and not Kentucky Power. Absent a waiver of confidential treatment by Moody's, the information should remain confidential indefinitely.

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 made a part of the public record of the hearing on this matter by Kentucky Power is highly confidential. Dissemination of the information for which confidential treatment is being requested is restricted by Moody's, the third-party vendor that compiles and produces the information. The Company, AEP, and its affiliates (and third party vendor where applicable) take all reasonable measures to prevent its disclosure 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, except in accordance with the Company's agreement to do so with Moody's. 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 if it is to be used as an exhibit at the hearing on this matter. 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 three credit opinions prepared by Moody's Investor Service relating to Duke Energy Kentucky, Inc., Kentucky Utilities Company, and Louisville Gas & Electric Company indefinitely; 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

Company Hearing Exhibit 4 has been redacted in its entirety.

Company Hearing Exhibit 5 has been redacted in its entirety.

Company Hearing Exhibit 6 has been redacted in its entirety.