

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

Electronic Application Of Kentucky Power Company)	
For Approval of A Certificate of Public Convenience)	
And Necessity For Environmental Project)	
Construction At The Mitchell Generating Station, An)	Case No. 2021-00004
Amended Environmental Compliance Plan, And)	
Revised Environmental Surcharge Tariff Sheets)	

**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 1 to its response to Sierra Club’s Data Request 2-12 (“Sierra Club 2-12”). Specifically, Kentucky Power seeks confidential treatment of competitively sensitive estimates for Mitchell Plant capacity factors under various future scenarios produced by the PLEXOS modeling software tool.

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 a public version of the relevant document. 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.

A. The Request 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.

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

1. Attachment 1 to Sierra Club 2-12.

Attachment 1 to Sierra Club 2-12 contains competitively sensitive estimates of Mitchell Plant capacity factors under various scenarios produced by the PLEXOS modeling software tool. The Company and its affiliates will have occasion to negotiate future transactions involving Mitchell Plant generation. If the confidential information contained in Attachment 1 to Sierra Club 2-12 became publicly available, parties with which the Company or its affiliates may negotiate could use this knowledge to the detriment of the Company and its customers and affiliates. If disclosed, the information could diminish the Company's bargaining position and, as a result, increase Kentucky Power's cost of service. This information would be valuable to potential buyers, lessors, lenders, and maintainers of AEP's generating assets and to potential developers, builders, sellers, lessors, and lenders of non-emitting generating assets. Moreover, Kentucky Power's competitors do not release this type of information.

The Company estimates that after five years the factors that drive the market will render the information provided in Attachment 1 to Sierra Club 2-12 of limited competitive value.

Therefore, Kentucky Power requests the identified information in Attachment 1 to Sierra Club 2-12 be kept confidential as competitively sensitive information 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 required to be disclosed by Kentucky Power in response to Sierra Club 2-12 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 contained in Attachment 1 to Sierra Club 2-12 for a period of five years; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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