

**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 Attachment 1 to its response to Commission Staff’s Data Request 3-1 (“KPSC 3-1”) and Attachment 1 to its response to Commission Staff’s Data Request 3-2 (“KPSC 3-2”). Specifically, Kentucky Power seeks confidential treatment of competitively sensitive information relating to the strategic review currently being undertaken by Kentucky Power’s parent Company, American Electric Power Company, Inc. (“AEP”) of AEP’s Kentucky assets.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the entire documents 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.

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 KPSC 3-1 and Attachment 1 to KPSC 3-2.**

Attachment 1 to KPSC 3-1 and Attachment 1 to KPSC 3-2 contain competitively sensitive information relating to the strategic review of Kentucky assets currently being undertaken by AEP, including a high-level description of the process and the steps taken in the review process to date. The review process is highly confidential, and Kentucky Power therefore is able only to disclose this limited information about the process at this time, and only on a confidential basis. Kentucky Power and AEP have entered into nondisclosure agreements with participants in the strategic review that prevent Kentucky Power and AEP from disclosing information regarding the participants' identity and the information they provide AEP and Kentucky Power. The selective disclosure of non-public information regarding the strategic review beyond that provided in response to Commission Staff data requests, even on a confidential basis, could also compromise the appearance of the fairness of the strategic review and affect the fairness and success of the process.

The review process itself is highly confidential and dissemination of information regarding the process is strictly limited within Kentucky Power and AEP on a need to know basis. In addition to the standard confidentiality obligations of Kentucky Power and AEP employees regarding business information, those AEP and Kentucky Power employees involved in the strategic review process have signed non-disclosure agreements involving the process and the information generated during the process. Kentucky Power Company's parent, AEP, is a publicly traded company. The selective disclosure of material non-public information regarding the strategic review also could create issues under federal securities laws for both AEP and Kentucky Power and participants in the process.

In addition, public disclosure of information regarding the strategic review process prior to its completion can affect the ability of the Company's employees (and hence the Company) to provide safe, efficient, and reasonable service.

For these reasons, the information contained in Attachment 1 to KPSC 3-1 and Attachment 1 to KPSC 3-2 should be granted confidential protection indefinitely. The information contained in the attachments provides insights into AEP's strategic evaluation process, which is competitively sensitive, and can be used in the future, and thus warrants indefinite protection.

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 3-1 and KPSC 3-2 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 KPSC 3-1 and Attachment 1 to KPSC 3-2 indefinitely; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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