

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

In the Matter of:

ELECTRONIC INVESTIGATION OF THE	)	
SERVICE, RATES AND FACILITIES OF	)	Case No. 2021-00370
KENTUCKY POWER COMPANY	)	

**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 entirety of Exhibit AEV-R1 to the Rebuttal Testimony of Alex E. Vaughan (“Exhibit AEV-R1”).

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the entire document under seal. Kentucky Power is also filing a redacted version of the document. Kentucky Power will notify the Commission if it determines the information for which confidential treatment is sought is no longer confidential.

**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.

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

**1. Exhibit AEV-R1.**

Exhibit AEV-R1 is comprised of an excerpt from a report created by Guggenheim Securities, LLC (“Guggenheim”), which demonstrates reported December 31, 2022 deferred balances for fuel and purchased power for some thirty-plus traditional electric operating companies, including some of the Company’s affiliates. Kentucky Power seeks confidential treatment for the entirety of Exhibit AEV-R1. The Guggenheim report is prepared by Guggenheim and is made available to Kentucky Power’s parent, American Electric Power Company, Inc. (“AEP”), pursuant to its paid subscription agreement with Guggenheim. The subscription agreement prohibits AEP and its affiliates from copying, transferring, or disseminating the report unless authorized by Guggenheim. The report is the property of Guggenheim; it is not the property Kentucky Power or its parent, AEP. However, Kentucky Power has been authorized by Guggenheim to produce the portion of the report comprising Exhibit AEV-R1 if granted confidential treatment. The breach of the subscription agreement by the public disclosure of the information for which confidential treatment is requested could result in competitive commercial injury to Kentucky Power through AEP’s loss of the ability to obtain the information in future for use in managing its operations.

Kentucky Power seeks confidential treatment of the Exhibit AEV-R1 indefinitely. The identified information belongs to Guggenheim and not Kentucky Power. Absent a waiver of confidential treatment by Guggenheim, the information should remain confidential indefinitely. The Commission previously granted confidential protection to similar subscription information

indefinitely.<sup>1</sup> The Company also filed this exhibit confidentially into the record of Case No. 2023-00008 and requested the same confidential treatment.<sup>2</sup>

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 in Exhibit AEV-R1 that is required to be disclosed by Kentucky Power under Commission regulations 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”). The Company, AEP, and its affiliates (and third party vendors 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. 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 regulations 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.

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<sup>1</sup> See Order, *In The Matter Of: Electronic Joint Application Of American Electric Power Company, Inc., Kentucky Power Company And Liberty Utilities Co. For Approval Of The Transfer Of Ownership And Control Of Kentucky Power Company*, Case No. 2021-00481 (Ky. P.S.C. March 16, 2022).

<sup>2</sup> See Kentucky Power’s Motion for Confidential Treatment, *In The Matter Of: An Electronic Examination Of The Application Of The Fuel Adjustment Clause Of Kentucky Power Company From November 1, 2020 Through October 31, 2022*, Case No. 2023-00008 (filed February 5, 2024).

WHEREFORE, Kentucky Power respectfully requests the Commission to enter an Order:

1. According confidential status to and withholding from public inspection the entirety of Exhibit AEV-R1 indefinitely; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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