

**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 Leave To Deviate
and Motion for Extension of Time**

Kentucky Power Company (“Kentucky Power” or “Company”) moves the Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001, Section 22 for leave to deviate from the requirements of the Commission’s September 14, 2023 Order to file an electronic copy of any paper in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8, and to instead file Confidential Attachment 1 to the Company’s response to Commission Staff’s Second Request for Information, Item 11 (“KPSC 2-11”) with the Commission in electronic format on a USB drive. Kentucky Power further moves the Commission pursuant to its September 14, 2023 Order in this case for a short extension of time through February 9, 2024 to file Confidential Attachment 1 to KPSC 2-11 as described with the Commission. The deviation to file the information on a USB drive and the request for an extension of time are necessary due to the large volume of information contained in Confidential Attachment 1 to KPSC 2-11. Kentucky Power also has separately filed a Motion for Confidential Treatment of this information. In support of its motions, Kentucky Power states as follows:

A. Motion for Leave to Deviate

Confidential Attachment 1 to KPSC 2-11 is comprised of all of the responses to the Company’s 2023 All-Source Request for Proposal (“RFP”) for generation resources, as requested by Commission Staff in KPSC 2-11. The information contained in Confidential

Attachment 1 to KPSC 2-11 is confidential in its entirety and the Company has requested confidential treatment of this information by separate motion. Confidential Attachment 1 to KPSC 2-11 is very voluminous, and totals over 3.5GB of electronic information. The Company typically would provide this confidential information to the Commission via email to the Commission's Executive Director's email inbox (psced@ky.gov) in accordance with the Commission's March 24, 2020 Order in Case No. 2020-00085. However, given the large volume of information contained in the attachment, neither the Company nor the undersigned counsel have the ability to send the information via email or large file transfer to the Executive Director. The Company also has consulted with Commission Staff responsible for electronic filings and have determined that there is no reasonable way to submit this information to the Commission by email. The Company therefore respectfully requests that the Commission grant a deviation, to the extent required, to file this information in electronic format on a USB drive to be hand delivered to the Commission's offices. The Commission's March 24, 2020 Order in Case No. 2020-00085 appears to permit the Company to do so.¹

The Company further requests leave to deviate from the requirements of 807 KAR 5:001, Section 8(4)(b), which requires electronic submissions to be 1) in portable document format, 2) search-capable, 3) optimized for viewing over the internet, and 4) scanned at a resolution of 300 dots per inch. Given the large volume of the information, and the number of different files included in the attachment (*e.g.* PDF, Excel) it is not practical nor reasonable for the Company to ensure that each individual file in the 3.5GB of information comprising Confidential Attachment

¹ Order at 2, *In The Matter Of: Electronic Emergency Docket Related To The Novel Coronavirus Covid-19*, Case No. 2020-00085 (Ky. P.S.C. March 24, 2020) (“For both electronic and non-electronic cases, a party may file confidential information with the Commission by (1) emailing the information to PSCED@ky.gov with a read receipt; or (2) sending by mail or delivery to the Commission’s physical address, preferably on USB drive or compact disc, in the forms accepted by the Commission as provided for in 807 KAR 5:001, Section 8(4)...”).

1 to KPSC 2-11 is converted to the format required by Commission regulations, given the time and manpower that would be required to do so. Nor can the Company individually label each document with the case number, attachment name, and page number like the Company typically does for the same reasons. For these reasons, the Company respectfully requests that the Commission grant a deviation, to the extent required, to file this information on a USB drive in its original format and without being formatted in accordance with 807 KAR 5:001, Section 8(4)(b).

B. Motion for Extension of Time

The Company further moves the Commission pursuant to its September 14, 2023 Order in this case for a short extension of time through February 9, 2024 to file Confidential Attachment 1 to KPSC 2-11 as described herein. The Commission's December 1, 2023 procedural order requires Kentucky Power to file its responses to supplemental requests for information by February 7, 2024. Despite Kentucky Power's diligence and best efforts to prepare the contents of and timely file Confidential Attachment 1 to KPSC 2-11, Kentucky Power has experienced unforeseeable delays and will not be able to timely file the attachment. Kentucky Power is timely filing all other responses to data requests and attachments thereto.

As soon as Kentucky Power became aware of the size of Confidential Attachment 1 to KPSC 2-11, Kentucky Power began to prepare the attachment for filing. The Company promptly reached out to Commission Staff to discuss the file size issue and inquire as to whether the Commission would accept the attachment on a USB drive. The Company then immediately ordered USB drives large enough to fit 3.5GB of information, and that could be encrypted or password protected due to the confidential nature of the information. The Company also is being required to create and provide six separate USB drives to the Commission, as well as additional USB drives for the intervenors who have executed a non-disclosure agreement with the

Company in this case. The USB drives arrived to Kentucky Power on Tuesday, February 6, 2024. The Company has been working diligently since receiving the USB drives to load the confidential information onto the USB drives, which also requires special IT support due to the additional security protections. However, the Company will require extra time to load all of the confidential information onto the USB drives and to deliver them to the Commission via overnight delivery to counsel, who will then hand-deliver the drives to the Commission's offices.

The Company expects that the USB drives can be completed and sent via overnight delivery to counsel on February 7, 2024 or February 8, 2024, which means that counsel can hand-deliver them to the Commission on either February 8, 2024 or February 9, 2024. For these reasons, the Company respectfully requests a short extension of time through February 9, 2024 to file Confidential Attachment 1 to KPSC 2-11 as described herein.

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

1. Granting the Company a deviation, to the extent required, to file Confidential Attachment 1 to KPSC 2-11 in electronic format on a USB drive to be hand delivered to the Commission's offices, and in its original format and without being formatted in accordance with 807 KAR 5:001, Section 8(4)(b);
2. Granting the Company a short extension of time through February 9, 2024 to file Confidential Attachment 1 to KPSC 2-11 as described herein; and
3. Granting such further relief to which the Company may be entitled.

Respectfully submitted,



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