

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

In the Matter of:

Electronic Application Of Kentucky Power Company )	
For An Order Approving The Company's Amended )	
Tariff E.D.R. To Increase The Capacity Available To )	
Be Served Under The Tariff And For Required )	Case No. 2022-00181
Deviations From The Commission's September 24, )	
1990 Order In Administrative Case No. 327 )	

**Kentucky Power Company's Motion**  
**For Confidential Treatment**

Kentucky Power 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 information contained in Exhibit 1 to the Company's July 26, 2022 Supplemental Response to AG 2-6 (KPCO\_SR\_AG\_2\_6\_ConfidentialAttachment1).

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal an unredacted version of Exhibit 1 to the Company's July 26, 2022 Supplemental Response to AG 2-6 . Kentucky Power is also filing a public version of Exhibit 1 to the Company's July 26, 2022 Supplemental Response to AG 2-6 with the confidential information redacted. Kentucky Power will notify the Commission in the future if the Company determines prior to the end of the period for which confidential treatment is requested herein the confidential information no longer confidential.

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 exception applies to the Confidential Attachments.

The confidential information identifies the Company's forecasted capacity position for the 2023-2024, 2024-2025, and 2025-2026 PJM planning years along with Kentucky Power's forecasted UCAP by resource for each of the three PJM planning years. Public disclosure of the confidential information would allow commercial counterparties of Kentucky Power to derive information about the specific needs and market position of the Company for each year. With this information, the commercial counterparties could increase the price of their offers to Kentucky Power, resulting in higher rates to be charged to customers and in increased cost of service. Specifically, the information can be used to undermine Kentucky Power's ability to negotiate terms, particularly price, due to the knowledge by sellers about the magnitude of the Company's needs and market position. Additionally, public disclosure of the confidential information could affect participation by counterparties to any solicitation by Kentucky Power for capacity, particularly in light of the relatively concentrated market structure.

The information for each specific PJM planning year should be kept confidential until after the termination of that specific planning year. After the close of a specific PJM planning year the information will have little or no commercial value.

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 Exhibit 1 to its July 26, 2022 Supplemental Response to AG 2-6 is highly confidential and competitively sensitive.

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 Confidential Attachment Is Required to be Disclosed to an Agency.

The confidential information is required by 807 KAR 5:001, Section 4(12) 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 for the indicated periods, the confidential information contained in Exhibit 1 to Kentucky Power Company’s July 26, 2022 Supplemental Response to AG 2-6 ; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



---

Mark R. Overstreet  
STITES & HARBISON PLLC  
421 West Main Street  
P. O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: (502) 223-3477  
Facsimile: (502) 779-8349  
[moverstreet@stites.com](mailto:moverstreet@stites.com)

COUNSEL FOR KENTUCKY POWER  
COMPANY