

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Electronic Investigation Of Kentucky Power)	Case No. 2022-00283
Company Rockport Deferral Mechanism)	

Kentucky Power Company’s Motion to for Confidential Treatment

Kentucky Power Company moves the Public Service Commission of Kentucky pursuant to 807 KAR 5:001, Section 13(2), for an Order granting confidential treatment to the identified portions of KPCO_R_KPSC_PHDR_4_ConfidentialAttachment1 (“Attachment 1 to KPSC PHDR-4”).

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 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 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.

These exceptions apply to the following information for which Kentucky Power is seeking confidential treatment:

1. Attachment 1 to KPSC PHDR-4.

Attachment 1 to KPSC PHDR-4 contains retail energy costs, gross and net of sales, for 2021 and nine months of 2022 and the estimated costs for three months of 2022 and all of 2023. The estimated costs for 2022 and 2023 are confidential. The public disclosure of this information is likely to provide an unfair competitive advantage to the Company's competitors. Information similar to that contained in Attachment 1 to KPSC PHDR-4 was accorded confidential treatment by Order of the Commission in Case No. 2019-00443.¹

The disclosure of the projections in Attachment 1 to KPSC PHDR-4 would permit an unfair commercial advantage to Kentucky Power's competitors and suppliers. Public disclosure of such data could prove damaging to the Company in both current and future competitive marketplaces, and would place Kentucky Power at a significant disadvantage in the marketplace. More specifically, the information contained in Attachment 1 to KPSC PHDR-4 demonstrates the Company's embedded portfolio cost, which can be used against Kentucky Power in potential negotiations with purchased power counterparties. This could be particularly harmful to the Company, for example, when attempting to replace the energy it currently receives from the Rockport UPA. Such information might permit counterparties an unfair commercial advantage. Such a result which would be detrimental not only to Kentucky Power but to the marketplace as well. Finally, Kentucky Power derives independent economic value from the subject information not being generally known to, and not being readily ascertainable by other persons who can obtain economic value from its disclosure or use.

¹ Order, *In The Matter Of: Electronic 2019 Integrated Resource Planning Report Of Kentucky Power Company*, Case No. 2019-00443 (Ky. P.S.C. March 3, 2020).

Kentucky Power requests that the confidential information contained in Attachment 1 to KPSC PHDR-4 be treated as confidential and withheld from public disclosure until the forecast period has ended, January 1, 2024. Afterwards, the confidential information will be dated and its public disclosure will no longer result in competitive advantage.

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 contained in Attachment 1 to KPSC PHDR-4 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 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 in Attachment 1 to KPSC PHDR-4 until January 1, 2024; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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