

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

In the Matter of:

Electronic Tariff Filing Of Kentucky Power Company)	
For Approval Of A Special Contract With Ebon)	Case No. 2022-00387
International, LLC)	

**Kentucky Power Company's Motion
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 entirety of KPCO_R_JI_2_7_Attachment1 (Attachment 1 to JI 2-7). Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the attachment under seal. 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.

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 exception applies to Attachment 1 to JI 2-7, for which Kentucky Power is seeking confidential treatment:

1. Attachment 1 to JI 2-7.

Joint Intervenors' data request 2-7 asks the Company to make certain confirmations relating to Ebon's projected load and information contained in the Confidential Attachment 1 to KPSC 1-4, which the Company provided, confidentially, in response to a Commission Staff data request on December 28, 2022. Concurrent with that filing, the Company filed a Motion for Confidential Treatment, which sought confidential treatment for the identified information in Attachment 1 to KPSC 1-4, among other items. The information the Company now provides in Attachment 1 to JI 2-7 is confidential for those same reasons.

Namely, Attachment 1 to JI 2-7 contains confidential information regarding future customer operations that Kentucky Power obtains through communication with the customer. The information is used by the Company to better plan for resource needs. If this information were disclosed, Kentucky Power's customers would be reluctant to share such information in the future, which would harm Kentucky Power's ability to properly plan to meet customer load. This would lead to inefficient planning and more expensive service for all customers as a result.

In addition to the potential harm to Kentucky Power associated with disclosure of this information, Ebon is in a competitive industry, and it must plan appropriately to continue providing services and attracting and retaining business in its respective market, including its competitors outside of Kentucky Power's service territory. If competitors were to know the future expansion/reduction plans of Ebon, competitors could use that information (which is not otherwise publicly disclosed) to plan their own expansions/reductions in a way that would not be possible in the absence of such disclosure, or to otherwise unfairly compete with Ebon.

The Commission has granted confidential protection to similar information in the past.¹

The Company requests that the identified information in Attachment 1 to JI 2-7 remain confidential through December 31, 2037, at which time the information will no longer be of any competitive 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 contained in the attachment detailed herein 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), as well as Ebon and its 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.

¹ See Order, *In the Matter of: Electronic 2019 Integrated Resource Planning Report Of Kentucky Power Company*, Case No. 2019-00443 (Ky. P.S.C. July 2, 2020).

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

1. According confidential status to and withholding from public inspection the entirety of Attachment 1 to JI 2-7 for the entire term of the Special Contract, including any extensions of the contract term; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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