

**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 Under	)	
Its Economic Development Rider And Demand	)	Case No. 2022-00424
Response Service Tariffs With Cyber Innovation	)	
Group, LLC	)	

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

Kentucky Power Company (“Kentucky Power” or the “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\_JI\_2\_1\_ConfidentialAttachment1 (“Attachment 1 to JI 2-1”), which contains confidential customer-specific load information.

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 relevant 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.

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

**1. Attachment 1 to JI 2-1.**

Attachment 1 to JI 2-1 contains Cyber Innovation Group, LLC's ("Cyber Innovation") current load and load factor, which constitutes customer-specific usage information. Cyber Innovation's current load, load factor, or any other usage information could inform competitors of how Cyber Innovations is currently operating, and at what cost. Cyber Innovation operates in a highly competitive industry in which cost information is highly protected for competitive advantage. The cryptocurrency mining and data services industry is driven by access to power with the cost of electric power accounting for over 90 percent of the operational costs of providing such services.<sup>1</sup> Consequently, Cyber Innovation seeks to maintain confidentiality regarding its operations and the cost of power it obtains from Kentucky Power under the proposed contract. Similar to other industrial customers (steel, aluminum, pulp and paper), Cyber Innovation needs to maintain confidentiality regarding the cost of the commodities and services it competes to sell. Cyber Innovation will suffer injury by any public release of this information because its competitors will gain access to the most sensitive information regarding its cost of operations. Publication of this confidential information also would cause Kentucky Power competitive harm because such publication may chill or impede the Company's ability to

---

<sup>1</sup> See <https://www.reuters.com/article/us-markets-bitcoin-mining-idUSKCN0ZO2CW> (last accessed December 28, 2022).

enter into contracts for service with prospective customers if customers know that information regarding their cost to operate could be made public.

The Company requests that the identified information in Attachment 1 to JI 2-1 for the entire term of the Special Contract, including any extensions of the contract term. After such time there will no longer be any competitive advantage to be gained from the information.

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 Cyber Innovation. 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 JI 2-1 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,



---

Katie M. Glass  
STITES & HARBISON PLLC  
421 West Main Street  
P. O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: (502) 223-3477  
Facsimile: (502) 223-4124  
[kglass@stites.com](mailto:kglass@stites.com)  
COUNSEL FOR KENTUCKY POWER  
COMPANY