COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Electronic Application of Kentucky Power Company For Authority Pursuant To KRS 278.300 To Issue And Sell Promissory Notes Of One Or More Series And For Other Authorizations

Case No. 2023-00029

<u>Kentucky Power Company's Motion</u> <u>For Confidential Treatment</u>

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 revised Exhibit D, filed herein on February 10, 2023. Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the attachment under seal. Kentucky Power is also filing a public placeholder 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. The Company anticipates that this information will be made public on February 23, 2023, and will no longer be confidential after that time.

I. MOTION FOR CONFIDENTIAL TREATMENT

A. <u>The Requests and the Statutory Standard</u>.

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:

(k) All public records or information the disclosure of which is prohibited by federal law or regulation or state law.

This exception applies to revised Exhibit D, for which Kentucky Power is seeking confidential treatment.

Revised Exhibit D contains the entirety of the financial exhibit required to be filed with the Company's application by 807 KAR 5:001, Section 12 and Section 18. The financial exhibit contains Kentucky Power draft financial statements for the 12 months ended December 31, 2022. This information is currently subject to management and independent auditor review, and will not be final and made public until February 23, 2023. Until the audit is complete, the financial statements are subject to revision by management. The draft financial statements contain nonpublic financial information describing the financial results of Kentucky Power, a wholly-owned subsidiary of American Electric Power Company, Inc., an entity that is an SEC registrant and whose stock is traded upon the NASDAQ exchange.

Disclosure of Kentucky Power's financial information prior to the filing of such information with the SEC on February 23, 2023 could result in the dissemination of material non-public information causing Kentucky Power to be in violation of securities laws and regulation governing the scope and manner of securities disclosure.

The Company requests that the entirety of revised Exhibit D remain confidential through February 23, 2023, at which time the information will no longer be confidential.

B. <u>The Identified Information is Generally Recognized as Confidential by Kentucky Power</u> and its Affiliates.

The identified information contained in the attachment detailed herein is highly confidential. 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.

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 revised Exhibit D through February 23, 2023; and

2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,

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