

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

In the Matter of:

Electronic 2022 Integrated Resource Planning Report)	Case No. 2023-00092
Of Kentucky Power Company)	

Kentucky Power Company’s Motion For Confidential Treatment

Kentucky Power Company (“Kentucky Power” or “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 entirety of Attachments 1 and 2 to the Company’s response to Commission Staff’s Post-Hearing Request for Information, Item 4 (“KPSC PHDR-4”). Attachments 1 and 2 to KPSC PHDR-4 are comprised of information relating to the Company’s evaluation of responses to Kentucky Power’s 2023 All-Source Request for Proposal (“RFP”) for generation resources.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the entirety of both attachments under seal. Kentucky Power is also filing a redacted version of the documents. Kentucky Power will notify the Commission when it determines the information for which confidential treatment is sought is no longer confidential.

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 the following information for which Kentucky Power is seeking confidential treatment:

1. Attachments 1 and 2 to KPSC PHDR-4.

Attachments 1 and 2 to KPSC PHDR-4 are comprised of documents used by the Company to evaluate the responses to the September 22, 2023 All-Source RFP for generation resources.

Public disclosure of this information could provide insight into the manner by which Kentucky Power is evaluating bids in response to this RFP, potentially impairing or frustrating both the current evaluation process and future RFP evaluation processes. Public disclosure of this information also could result in potential bidders pulling their bids and dropping out from consideration, or otherwise frustrating or impairing the Company's current, ongoing RFP evaluation. Additionally, public disclosure of this information could allow future bidders to tailor bids to take advantage of the evaluation process, including potential attempts to try and "game the system," or offering bids with higher prices or less favorable other terms than might be offered without access to the criteria by which Kentucky Power evaluates or "scores" bids. Potential frustration or chilling of the RFP process could result in increased costs, which harms customers.

For the reasons stated herein, the information comprising Attachments 1 and 2 to KPSC PHDR-4 should be accorded confidential treatment indefinitely. The Commission previously treated this type of information confidentially in the June 12, 2024 hearing in this case, when the Commission went into confidential session to discuss the Company's evaluation of responses to Kentucky Power's September 22, 2023 All-Source RFP for generation resources. The Company

also requested confidential treatment of the confidential hearing transcript that contains that discussion in that case.¹

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 in Attachments 1 and 2 to KPSC PHDR-4 that is required to be disclosed by Kentucky Power under Commission regulations 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”). The Company, AEP, and its affiliates (and third party vendors where applicable) take all reasonable measures to prevent its disclosure to the public as well as persons within the Company and third-party vendors 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 regulations 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 Kentucky Power Company’s Motion for Confidential Treatment, *In The Matter Of: Electronic 2022 Integrated Resource Planning Report of Kentucky Power Company*, Case No. 2023-00092 (Filed June 25, 2024).

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

1. According confidential status to and withholding from public inspection the entirety of Attachments 1 and 2 to KPSC PHDR-4 indefinitely; 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
Fax: (502) 560-5377
kglass@stites.com

Kenneth J. Gish, Jr.
STITES & HARBISON PLLC
250 West Main Street, Suite 2300
Lexington, Kentucky 40507-1758
Telephone: (859) 226-2300
Fax: (859) 253-9144
kgish@stites.com

COUNSEL FOR KENTUCKY POWER
COMPANY