

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

In the Matter of:

Electronic Application Of Kentucky Power Company)	
For (1) A General Adjustment Of Its Rates For)	
Electric Service; (2) Approval Of Tariffs And Riders;)	
(3) Approval Of Accounting Practices To Establish)	Case No. 2023-00159
Regulatory Assets And Liabilities; (4) A)	
Securitization Financing Order; And (5) All Other)	
Required Approvals And Relief)	

**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, 2, and 3 to the Company’s response to Commission Staff Post-Hearing Data Request 16 (“KPSC PHDR 16”).

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the entire documents 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 exceptions applies to the following information for which Kentucky Power is seeking confidential treatment:

1. Attachments 1, 2, and 3 to KPSC PHDR 16.

Kentucky Power seeks confidential treatment for the entirety of Attachments 1, 2, and 3 to KPSC PHDR 16. These attachments are comprised of presentation materials prepared by Kentucky Power and presented as part of an annual investment review process to American Electric Power Company, Inc.'s Investment Review Committee. The presentations contain a wide array of sensitive information relating to confidential non-public financial information, business strategy, and other forecast information relating to Kentucky Power. In addition, the presentations contain some of the same confidential non-public information related to Kentucky Power's affiliates. As such, Attachments 1, 2, and 3 to KPSC PHDR 16 contain sensitive commercial or proprietary information, the disclosure of which could be used by Kentucky Power's, or its affiliates', competitors to gain a competitive advantage. Any such competitive advantage that could be gained could result in an increase to the Company's cost of service and other potential harms, which could be passed on to customers.

These documents also contain attorney-client privileged communications or information protected by the attorney work product doctrine, including legal analysis and advice regarding legal and regulatory issues, risks, and potential outcomes in then-pending or anticipated regulatory proceedings, and counsel's legal interpretation of statutes, regulations, and Commission orders. As such, the portions of the attachments protected by attorney client privilege and/or the work product doctrine have not been disclosed, and have been redacted from the public and confidential

versions of Attachments 1, 2, and 3 to KPSC PHDR 16. Kentucky Power is filing a privilege log identifying the documents with respect to which the privilege and doctrine are being asserted.

The confidential information identified in Attachments 1, 2, and 3 to KPSC PHDR 16 should be kept confidential through December 31, 2030, which is the date of the latest confidential information contained in any of the presentations. After this time the information will be of little or no competitive value. The Commission has previously granted confidential treatment to similar confidential non-public materials presented to boards of directors.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 required to be disclosed by Kentucky Power in response to Attachments 1, 2, and 3 to KPSC PHDR 16 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

¹ See Order, *In The Matter Of: Electronic Joint Application Of American Electric Power Company, Inc., Kentucky Power Company And Liberty Utilities Co. For Approval Of The Transfer Of Ownership And Control Of Kentucky Power Company*, Case No. 2021-00481 (Ky. P.S.C. March 24, 2022); Order, *In the Matter of: The Joint Petition Of Kentucky-American Water Company, Thames Water Aqua Holdings Gmbh, Rwe Aktiengesellschaft, Thames Water Aqua Us Holdings, Inc., And American Water Works Company, Inc. For Approval Of A Change In Control Of Kentucky-American Water Company*, Case No. 2006-00197 (Ky. P.S.C. Aug. 29, 2006); See also Staff Letter, *In the Matter of: Application Of PPL Corporation, E.ON AG, E.ON US Investments Corp., E.ON U.S. LLC, Louisville Gas And Electric Company, And Kentucky Utilities Company For Approval Of An Acquisition Of Ownership And Control Of Utilities*, Case No. 2010-00204 (Ky. P.S.C. Sept. 30, 2010) (granting confidential treatment for minutes of the board of directors and other due diligence materials).

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.

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, 2, and 3 to KPSC PHDR 16 through December 31, 2030; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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