

**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)	

Motion for Clarification

Kentucky Power Company (“Kentucky Power” or the “Company”) moves the Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001, Section 5 for clarification of its August 11, 2023 order (“Order”) denying Kentucky Power’s Motion for Leave to Deviate filed July 13, 2023. The Commission’s Order denies Kentucky Power’s Motion for Leave to Deviate with respect to Attachment 3 to the Company’s response to KPSC 1-22 (“Attachment 3 to KPSC 1-22”) and requires Kentucky Power to “file an unredacted copy of its response to Staff’s First Request, Item 22 via the electronic filing system.”¹ The Company requests clarification of the phrase “unredacted copy...via the electronic filing system.” The Company further respectfully requests that the Commission amend its order to confirm that the Company may file a redacted copy of Attachment 3 to KPSC 1-22 into the public record of this case, and file a confidential copy of Attachment 3 to KPSC 1-22 via email with the Commission and intervenors who have executed a non-disclosure agreement with the Company, pending the Commission’s ruling on the Company’s July 13, 2023 Motion for Confidential Treatment.

¹ Order at 3, ordering ¶ 2.

On July 13, 2023, the Company simultaneously filed its Motion for Leave to Deviate and Motion for Confidential Treatment with respect to Attachment 3 to KPSC 1-22. The attachment is comprised of a study performed by a third party vendor regarding the market-competitiveness of the Company's employee benefit package.² The third party vendor authorized Kentucky Power to share the information confidentially by making an electronic copy available for viewing by Commission Staff and those intervenors who have executed a non-disclosure agreement with the Company.³

The information contained in the attachment is confidential and should be excluded from the public record and public disclosure under KRS 61.878(1)(c). As detailed in the Company's July 13, 2023 Motion for Confidential Treatment, the information is highly competitive, confidential and proprietary to a third party, and its disclosure will result in competitive disadvantage by impeding the Company's ability to recruit and retain employees, design and adjust competitive employee benefits, and obtain reliable information in the future about the competitiveness of the Company's employee benefits.⁴ In addition, the study was prepared on behalf of the Company, is confidential and proprietary and protected by a non-disclosure agreement and/or intellectual property rights agreements between AEP and the vendors preparing the studies.⁵ Failure to keep such studies confidential could limit the Company's ability to maintain access to these vital studies and could result in financial loss to the vendors, which they may seek to recover from the Company.⁶

² Motion for Confidential Treatment at 5 (July 13, 2023).

³ *Id.*

⁴ Motion for Confidential Treatment at 5.

⁵ *Id.* at 5-6.

⁶ *Id.* at 6.

Kentucky Power has engaged in further conversation with the third party vendor that developed the study, and the third party has agreed to Kentucky Power producing a redacted copy of Attachment 3 to KPSC 1-22 into the public record of this case, and filing a confidential copy of Attachment 3 to KPSC 1-22 with the Commission and intervenors who have executed a non-disclosure agreement with the Company, pending the Commission's ruling on the Company's July 13, 2023 Motion for Confidential Treatment.

Kentucky Power therefore seeks clarification and amendment of the Order with respect to the requirement that the Company file an "unredacted copy...via the electronic filing system" for the reasons stated herein and in Kentucky Power's Motion for Confidential Treatment.

WHEREFORE, Kentucky Power Company respectfully requests that the Commission enter an order:

- (1) Clarifying and amending its August 11, 2023 Order to reflect that Kentucky Power may file a redacted copy of Attachment 3 to KPSC 1-22 into the public record of this case, and file a confidential copy of Attachment 3 to KPSC 1-22 via email with the Commission and intervenors who have executed a non-disclosure agreement with the Company, pending the Commission's ruling on the Company's July 13, 2023 Motion for Confidential Treatment; and
- (2) Granting the Company all other relief to which it may be entitled.

Respectfully submitted,



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