

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 Partial Rehearing Or,
In The Alternative, To Withdraw Document**

Kentucky Power Company (“Kentucky Power” or the “Company”) respectfully moves the Public Service Commission of Kentucky (“Commission”) pursuant to KRS 278.400 for partial rehearing of the Commission’s October 2, 2023 Order (“Order”) denying the Company’s request for confidential treatment of the entirety of Attachment 1 to the Company’s response to Commission Staff’s data request 1-22 (“KPSC 1-22”). In the alternative, Kentucky Power respectfully moves to withdraw Attachment 1 to KPSC 1-22 from the record of this case.

Kentucky Power produced the information in response to KPSC 1-22 in an effort to provide the Commission with a robust record and based on the expectation that the information would be granted confidential treatment consistent with the Commission’s treatment of this type of information in Kentucky Power’s last two base rate cases. Kentucky Power respectfully avers that if the information will not be granted confidential treatment, then the record is otherwise sufficiently supported for the Commission to perform its review in this case, that Attachment 1 to KPSC 1-22 is not necessary for that review, and that Attachment 1 to KPSC 1-22 should be withdrawn and removed from the record. Kentucky Power states in support of its motion:

1. The Commission’s Order granted Kentucky Power’s request for confidential treatment of all attachments filed in response to Commission Staff’s May 31, 2023 data requests, with the exception of Attachment 1 to KPSC 1-22. In denying the request for confidential treatment, the Commission found that Attachment 1 to KPSC 1-22 was a “document containing summaries of Kentucky Power’s executive employee compensation.”¹ The Commission further found that it “previously held that executive salaries are not entitled to confidential protection because of the public interest in disclosure.”² However, as described in the Company’s Motion for Confidential Treatment, Attachment 1 to KPSC 1-22 contains more than a summary of executive employee compensation or salaries.

2. Attachment 1 to KPSC 1-22 is comprised of a report prepared by a third party containing an analysis of the market-competitiveness of compensation for certain senior executives of American Electric Power Company, Inc. (“AEP”), Kentucky Power’s parent company, as well as some employees who are not executives of Kentucky Power, AEP, or American Electric Power Service Corp. (“AEPSC”). The attachment contains not only the employee’s compensation, but also third party analysis of how various employees’ compensation compares to other employees’ compensation both within AEP and within the larger market.

3. The information contained in Attachment 1 to KPSC 1-22 is handled confidentially within AEP, AEPSC, and Kentucky Power. Neither AEP nor Kentucky share information concerning the market-competitiveness of compensation information with any of their employees in that position, except as needed by the Human Resources or compensation teams when providing such information to the most senior management and Board of Directors.

¹ Order at 2.

² *Id.*

This information therefore is highly sensitive, even within Kentucky Power's, and its affiliates, organizations.

4. Kentucky Power provided the information contained in Attachment 1 to KPSC 1-22 in an effort to provide the Commission with a robust record in its review of this case.

Kentucky Power also provided the information based upon the expectation that it would be granted confidential treatment consistent with the Commission's grant of confidential treatment of this type of information in the Company's 2017 and 2020 base rate cases.

5. In the Company's 2017 base rate case, the Commission granted confidential treatment of third party studies that evaluated the Company's employee compensation packages for market-competitiveness.³ In the Company's 2020 base rate case, the Commission again granted confidential treatment to third party studies relating to the market-competitiveness of Kentucky Power's compensation system.⁴

6. The Company respectfully requests that the Commission reconsider its Order denying the Company's request for confidential treatment of Attachment 1 to KPSC 1-22 and issue an order granting confidential treatment of the information for the reasons stated in Kentucky Power's July 13, 2023 Motion for Confidential Treatment, because Attachment 1 to KPSC 1-22 contains information not only concerning executive compensation, but also third party analysis of the market competitiveness of such compensation, and because the Company

³ Order at 4, 6, *In The Matter Of: Electronic Application Of Kentucky Power Company For (1) A General Adjustment Of Its Rates For Electric Service; (2) An Order Approving Its 2017 Environmental Compliance Plan; (3) An Order Approving Its Tariffs And Riders; (4) An Order Approving Accounting Practices To Establish Regulatory Assets And Liabilities; And (5) An Order Granting All Other Required Approvals And Relief*, Case No. 2017-00179 (Ky. P.S.C. August 23, 2017).

⁴ Order at 2-3, 4-5, *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 Regulatory Assets And Liabilities; (4) Approval Of A Certificate Of Public Convenience And Necessity; And (5) All Other Required Approvals And Relief*, Case No. 2020-00174 (Ky. P.S.C. October 26, 2020).

and AEP do not share this information with their own employees, except within the Human Resources department and the Board of Directors.⁵

7. In the alternative, if the Commission denies the Company's motion for partial rehearing and does not grant confidential treatment to Attachment 1 to KPSC 1-22, then the Company respectfully requests that the document be withdrawn and removed from the record of this case.

8. Kentucky Power respectfully avers that Attachment 1 to KPSC 1-22 is not necessary for the Commission's review and approval of the Company's requests in this case. The record otherwise contains sufficient evidence relevant to the Company's cost of service concerning senior executives' compensation and the market-competitiveness of the Company's compensation system. If Attachment 1 to KPSC 1-22 will not be treated confidentially and exempted from public disclosure, Kentucky Power elects not to provide this highly sensitive information in the public record. For these reasons, the Company moves in the alternative to withdraw and remove Attachment 1 to KPSC 1-22 from the record of this case.

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

1. Granting rehearing and amending its prior October 2, 2023 Order to grant confidential treatment to the entirety of Attachment 1 to KPSC 1-22 for a period of five years;
2. In the alternative, granting Kentucky Power's request to withdraw and remove Attachment 1 to KPSC 1-22 from the record of this case; and

⁵ In addition, Attachment 1 to KPSC 1-22 contains executive salaries for which the Commission granted confidential treatment as non-public compensation information until the information is filed with the Securities and Exchange Commission in its Order in this case (Attachment 1 to KPSC 1-24 and Attachment 1 to KPSC 1-33). *See* Order at 4-5. At the very least, the disclosure of the executive salaries contained in Attachment 1 to KPSC 1-22 would make public that information which was granted confidential treatment within the same Order.

3. Granting Kentucky Power all other relief to which it may appear entitled.

Respectfully submitted,



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