

**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 Attachment 1 to its response to Commission Staff Data Request 5-5 (“KPSC 5-5”), which is comprised of the confidential copyrighted Institute of Electrical and Electronic Engineers (“IEEE”) 1366 Standard.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the entire document under seal. Kentucky Power is also filing a public versions of the relevant 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.

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 attachment 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. **Attachment 1 to KPSC 5-5.**

Attachment 1 to KPSC 5-5 is comprised of a copy of the confidential copyrighted IEEE 1366 Standard requested by Commission Staff in KPSC 5-5.

The information being requested is copyrighted property of the Institute of Electrical and Electronics Engineers. American Electric Power Company, Inc. (“AEP”) and Kentucky Power are prohibited by copyright law and the licensing agreement between AEP and IEEE from providing publicly the copyrighted information contained in Attachment 1 to KPSC 5-5. However, IEEE has authorized AEP and Kentucky Power to provide a copy of this information on a confidential basis, through AEP’s existing license of the copyrighted information, to the Commission for the limited purpose of the Commission’s review of the Company’s proposals in this proceeding.

A breach of copyright law and the licensing agreement by the public disclosure of the information for which confidential treatment is requested could result in competitive commercial

injury to Kentucky Power through the Company's loss of the ability to obtain this type of information in the future from IEEE. In addition, it could expose the Company and AEP to damages for the unauthorized public disclosure of the information, which could increase the Company's cost of service.

The information contained in Attachment 1 to KPSC 5-5 should be kept confidential for a period of 10 years. IEEE has authorized the public disclosure of the information after such time, and there will no longer be any potential for competitive commercial injury to Kentucky Power as a result of public disclosure.

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 pursuant to 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 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.

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

1. According confidential status to and withholding from public inspection the identified information contained in Attachment 1 to KPSC 5-5 for a period of 10 years; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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