

**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) for an Order granting confidential treatment to the stenographic transcripts of the November 28, 2023 and November 30, 2023 confidential sessions of the hearing in this matter.

The information for which Kentucky Power seeks confidential treatment is contained in confidential transcripts and includes testimony given by Company witnesses during confidential session of the hearing in this matter on November 28, 2023 and November 30, 2023. The chart attached as **Exhibit 1** specifies the following information for each item contained in the confidential transcripts for which confidential treatment is sought:

- The date of the transcript containing the confidential testimony;
- The topic discussed;
- The witness testifying;
- The questioner and person requesting the confidential hearing session;
- The applicable section of KRS 61.878 under which confidential treatment is sought;
- The period for which confidential treatment is sought; and

- The date of any previous Commission order granting confidential protection for that information.

Rows 1, 2, and 4 in Exhibit 1 pertain to testimony given by Company Witness West on November 28, 2023, and testimony given by Company Witness Carlin and Company Witness Walsh on November 30, 2023, in response to cross-examination by Chairman Chandler regarding information contained in Confidential Attachment 1 to the Company's Response to Commission Staff's data request 1-33 ("Confidential Attachment 1 to KPSC 1-33"), and related information about executive compensation. In each instance, Chairman Chandler requested that the Commission go into confidential session to discuss this information¹ and was the only party that questioned Mr. West, Mr. Carlin, and Ms. Walsh during the respective confidential sessions.

Confidential Attachment 1 to KPSC 1-33 includes non-public compensation information for Kentucky Power's executives officers and other employees. Kentucky Power is required to maintain the confidentiality of the information under SEC regulations until the information is included in publicly filed documents. Review of this information on a confidential basis could subject the reviewer to confidentiality and insider information obligations and restrictions under SEC rules.²

In addition, personal compensation for the Company's executive officers and other employees is kept confidential. This confidential employee compensation information, if disclosed, would enable competitors to attempt to recruit key Company and AEP personnel and would compromise AEP's and the Company's position in negotiating employee compensation terms. This is especially true for high-level management and highly specialized personnel. This

¹ Tr. Hearing Vol. I at 190:10 (November 28, 2023); Tr. Hearing Vol. III at 111:21 (November 30, 2023); Tr. Hearing Vol. III at 125:2 (November 30, 2023).

² 17 C.F.R. 240.10b-5.

information is highly sensitive, even internally within the Company, and is only available on a need-to-know basis. Public disclosure of this information is likely to result in increased costs and a loss of negotiating ability for the Company. Disclosure of this information also increases the risk of a higher cost of service resulting from greater employee compensation demands and higher costs to recruit and retain skilled employees and managers.

The personal compensation information in Confidential Attachment 1 to KPSC 1-33 should remain confidential for five years. After five years, the labor market will have changed sufficiently and there will no longer be any competitive advantage to gain from the information.

Row 3 in Exhibit 1 pertains to testimony given by Company Witness Vaughan on November 30, 2023 in response to cross-examination by Chairman Chandler and Commissioner Regan regarding high-level details of the responses to Kentucky Power's All-Source Request for Proposals ("RFP") issued on September 22, 2023. Chairman Chandler requested that the Commission go into confidential session to discuss this information³ and the Chairman and Commissioner Regan questioned Mr. Vaughan during that confidential session.

The Chairman did not expressly indicate the basis for requesting the confidential session. Kentucky Power agrees that the high-level details of the responses to the All-Source RFP that were the subject of the confidential session are highly confidential, that the public disclosure of their existence or non-existence would cause competitive injury to Kentucky Power, and that such details should be kept confidential indefinitely.

Specifically, the information discussed in this confidential session concerned responses to an All-Source RFP for generation resources, which were provided to the Company on a confidential basis by the respondents. The information discussed also provides insight into the

³ Tr. Hearing Vol. III at 44:2 (November 30, 2023).

manner by which Kentucky Power evaluates bids in response to the RFP. Failure to maintain this information as confidential may have a chilling effect on the willingness of future bidders to submit responses to Kentucky Power RFPs. In addition, if offers are less competitive than they otherwise would be, Kentucky Power and its customers may be harmed through higher costs than would otherwise be incurred.

For the reasons stated herein, the confidential transcripts identified in this motion should be accorded confidential treatment for the periods indicated in Exhibit 1. Kentucky Power will notify the Commission if the Company determines prior to the end of the period for which confidential treatment is sought that the stenographic transcripts are no longer confidential.

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

1. According confidential status to the stenographic transcripts of the November 28, 2023 and November 30, 2023 confidential sessions of the hearing in this matter for the periods indicated in Exhibit 1; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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