

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

In the Matter of:

Electronic Application Of Kentucky Power Company)	
For: (1) Approval To Expand Its Targeted Energy)	
Efficiency Program; (2) Approval Of A Home Energy)	
Improvement Program And A Commercial Energy)	
Solutions Program; (3) Authority To Recover Costs)	
And Net Lost Revenues, And To Receive Incentives)	Case No. 2024-00115
Associated With The Implementation Of Its Demand-)	
Side Management/Energy Efficiency Programs; (4))	
Approval Of Revised Tariff D.S.M.C.; (5))	
Acceptance Of Its Annual DSM Status Report; And)	
(6) 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 and Attachment 2 to the Company’s response to Commission Staff’s post-hearing data request 1 (“KPSC PHDR 1” or “Confidential Information”).

The Confidential Information is comprised of confidential program implementation cost information provided to the Company on a confidential basis by third party bidders in response to the Company’s 2024-2027 Kentucky Energy Efficiency Program Portfolio Request for Proposals, issued September 20, 2023, for its proposed demand-side management programs (“DSM RFP”).

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the entirety of the documents comprising the Confidential Information under seal. Kentucky Power is also filing 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 documents 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. Attachments 1 and 2 to KPSC PHDR 1.

Attachments 1 and 2 to KPSC PHDR 1 are comprised of projected DSM program cost information provided to the Company on a confidential basis in response to the DSM RFP by the Company's selected implementation contractor (TRC Companies, Inc. ("TRC")).

Because the information was submitted by a bidder through the RFP process on a confidential basis, public disclosure of this information could provide insight to the public and other bidders into the manner by which Kentucky Power evaluates bids in response to requests for proposal or quotation, which would otherwise not be publicly accessible. Such public disclosure could potentially impair future evaluation processes, thus harming Kentucky Power and its customers. Disclosure of this information also could result in potential bidders pulling their bids and dropping out from consideration, or otherwise frustrating or impairing the Company's evaluation. 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.

The Commission previously granted confidential treatment for similar information in the Company's most recent base rate case, Case No. 2023-00159, when it granted confidential treatment for the portion of the hearing transcript in that case that discussed the responses to the Company's 2023 All Source RFP.¹ The Commission also treated similar information confidentially during the June 12, 2023 hearing in the Company's most recent Integrated Resource Plan proceeding, Case No. 2023-00092, when the Commission went into confidential session to discuss the Company's evaluation of responses to the 2023 All Source RFP.² For the reasons stated herein, Attachments 1 and 2 to KPSC PHDR 1 should be accorded confidential treatment indefinitely.

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 Confidential Information that is required to be disclosed by Kentucky Power under 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 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

¹ See Order, *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) A Securitization Financing Order; And (5) All Other Required Approvals And Relief*, Case No. 2023-00159 (Ky. P.S.C. June 4, 2024).

² See, *In the Matter Of: Electronic 2022 Integrated Resource Planning Report Of Kentucky Power Company*, Case No. 2023-00092 ("2022 IRP Case").

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 respectfully requests the Commission to enter an Order:

1. According confidential status to and withholding from public inspection indefinitely the entirety of Attachments 1 and 2 to KPSC PHDR 1; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



Katie M. Glass
STITES & HARBISON PLLC
421 West Main Street
P. O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477
Fax: (502) 560-5377
kglass@stites.com

Kenneth J. Gish, Jr.
STITES & HARBISON PLLC
250 West Main Street, Suite 2300
Lexington, Kentucky 40507-1758
Telephone: (859) 226-2300
Fax: (859) 253-9144
kgish@stites.com
COUNSEL FOR KENTUCKY POWER
COMPANY