

**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 2 to its July 19, 2024 supplemental response to Joint Intervenors’ Data Request 1-60 (“JI 1-60”); Attachment 3 to its July 19, 2024 supplemental response to JI 1-60; and Attachment 3 to its July 19, 2024 supplemental response to Joint Intervenors’ Data Request 1-73 (“JI 1-73”).

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal the entirety of these confidential attachments. Kentucky Power is also filing a public version of the relevant documents. 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 identified portions of the responses 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 2 and 3 to JI 1-60 and Attachment 3 to JI 1-73.

Attachments 2 and 3 to JI 1-60 and Attachment 3 to JI 1-73 are comprised of energy efficiency forecasting and program planning models, which are proprietary to GDS Associates, Inc. (“GDS”), a third party contractor retained by Kentucky Power to assist in the preparation of this application. The files comprising the attachments are the end result of long-term projects completed by GDS for electric utility clients, including Kentucky Power, and constitute intellectual property.

The models in the attachments are proprietary to and are the intellectual property of GDS, and not Kentucky Power. The models comprising the attachments were created either by or exclusively for GDS. GDS does not share the models comprising the attachments publicly and only shares them on a confidential basis with its respective utility clients, or pursuant to non-

disclosure agreements with certain third parties. Kentucky Power has been authorized by GDS to produce these attachments if granted confidential treatment by this Commission.

Public disclosure of the information by Kentucky Power could result in competitive commercial injury to GDS, and by extension Kentucky Power and its customers through the loss of the ability to retain or obtain such information from GDS or other similar contractors for future use in developing beneficial customer programs. Not having access to such expertise could raise the cost to Kentucky Power's customers or result in less efficient or lower quality customer programs.

Kentucky Power seeks confidential treatment of the entirety of Attachments 2 and 3 to JI 1-60 and Attachment 3 to JI 1-73 indefinitely. The information comprising the attachments belongs to GDS and not Kentucky Power. Absent a waiver of confidential treatment by GDS, the information should remain confidential 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 information required to be disclosed by Kentucky Power in the confidential attachments identified above 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 take all reasonable measures to prevent its disclosure to the public as well as persons within the Company 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 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 Commission regulation required to be disclosed to the Commission. The Commission is a “public agency” as that term is defined at 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 and withholding the entirety of Attachments 2 and 3 to JI 1-60 and Attachment 3 to JI 1-73 indefinitely; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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