

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

In the Matter of:

Electronic Application Of Kentucky Power Company)	
For (1) An Order Approving The Terms And)	
Conditions Of The Renewable Energy Purchase)	
Agreement For Solar Energy Resources Between)	
Kentucky Power Company And Bright Mountain)	Case No. 2024-00243
Solar, LLC; (2) Authorization To Enter Into The)	
Agreement; (3) Recovery Of Costs Through Tariff)	
P.P.A.; (4) Approval Of Accounting Practices To)	
Establish A Regulatory Asset; 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 following (together, the “Confidential Information”):

- the identified portions of Attachment 1 to the Company’s response to Commission Staff’s Data Request 1-7 (“KPSC 1-7”);
- the entirety of Attachment 1 to the Company’s response to Commission Staff’s Data Request 1-9 (“KPSC 1-9”);
- the identified portions of Attachment 2 to the Company’s response to KPSC 1-9;
- the identified portions of Attachment 1 to the Company’s response to Commission Staff’s Data Request 1-11 (“KPSC 1-11”)
- the entirety of Attachment 1 to the Company’s response to Commission Staff’s Data Request 1-13 (“KPSC 1-13”);

- the identified portions of Attachment 1 to the Company’s response to Commission Staff’s Data Request 1-14 (“KPSC 1-14”);
- the entirety of Attachment 1 to the Company’s response to AG-KIUC Data Request 1-1 (“AG-KIUC 1-1”);
- the identified portions of Attachment 1 to the Company’s response to AG-KIUC Data Request 1-10 (“AG-KIUC 1-10”); and
- the entirety of Attachment 1 to the Company’s response to AG-KIUC Data Request 1-11 (“AG-KIUC 1-11”).

The Confidential Information is categorized as follows:

- Attachment 1 to KPSC 1-7, Attachments 1 to KPSC 1-9, Attachment 2 to KPSC 1-9, Attachment 1 to KPSC 1-11, and Attachment 1 to KPSC 1-14 include information from a report created by Evolution Markets Inc. pursuant to an agreement that prohibits its public distribution. Attachment 1 to KPSC 1-14 also includes information provided by Wood Mackenzie pursuant to an agreement that prohibits public distribution.
- Attachment 1 to KPSC 1-13, Attachment 1 to AG-KIUC 1-1, and Attachment 1 to AG-KIUC 1-13 include information relating to bids received in response to the Company’s September 23, 2023 All-Source RFP for generation resources.
- Attachment 1 to AG-KIUC 1-10 is the Company’s most recent Integrated Resource Planning Report (“IRP Report”).

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. **Attachment 1 to KPSC 1-7, Attachment 1 to KPSC 1-9, Attachment 2 to KPSC 1-9, Attachment 1 to KPSC 1-11, and Attachment 1 to KPSC 1-14.**

Attachment 1 to KPSC 1-9 is a report prepared by Evolution Markets, Inc. (“Evolution”) for known, settlement prices for RECs, including PJM TRI Class I RECs. Attachment 1 to KPSC 1-7, Attachment 2 to KPSC 1-9, Attachment 1 to KPSC 1-11, and Attachment 1 to KPSC 1-14 include information contained in the Evolution report or from which the information in the Evolution report could be easily derived. The Evolution report is prepared by Evolution and is made available to Kentucky Power’s affiliate, American Electric Power Service Company (“AEPSC”), pursuant to a brokerage agreement between AEPSC and Evolution. Attachment 1 to KPSC 1-14 also includes forecasted REC prices provided under an agreement to provide such information with a third-party, Wood Mackenzie. The agreements prohibits AEPSC and its affiliates from copying, transferring, or disseminating the report unless authorized by Evolution or

Wood Mackenzie. The report is the property of Evolution and the forecasted REC price data is the property of Wood Mackenzie; they are not the property Kentucky Power or its affiliate, AEPSC. However, Kentucky Power has been authorized by Evolution and Wood Mackenzie to produce the portion of the report described above if granted confidential treatment. A breach of these agreements by the public disclosure of the information for which confidential treatment is requested could result in competitive commercial injury to Kentucky Power through AEPSC's loss of the ability to obtain the information in future for use in managing its operations.

Kentucky Power seeks confidential treatment of the entirety of Attachment 1 to KPSC 1-9 and the identified portions of Attachment 1 to KPSC 1-7, Attachment 2 to KPSC 1-9, Attachment 1 to KPSC 1-11, and Attachment 1 to KPSC 1-14 indefinitely. The identified information belongs to Evolution or Wood Mackenzie and not Kentucky Power. Absent a waiver of confidential treatment by Evolution or Wood Mackenzie, the information should remain confidential indefinitely. The Commission previously granted confidential protection to similar subscription information indefinitely.¹

2. Attachment 1 to KPSC 1-13, Attachment 1 to AG-KIUC 1-1, and Attachment 1 to AG-KIUC 1-13.

Attachment 1 to AG-KIUC 1-1 is comprised of all responses to the Company's September 22, 2023 All-Source RFP for generation resources, which were provided to the Company on a confidential basis by the respondents pursuant to a non-disclosure agreement. Attachment 1 to KPSC 1-13 and Attachment 1 to AG-KIUC 1-13 are comprised of information relating to the Company's evaluation of the responses to the All-Source RFP. The Company is continuing to

¹ See Order, *In The Matter Of: Electronic Joint Application Of American Electric Power Company, Inc., Kentucky Power Company And Liberty Utilities Co. For Approval Of The Transfer Of Ownership And Control Of Kentucky Power Company*, Case No. 2021-00481 (Ky. P.S.C. March 16, 2022).

evaluate responses to the 2023 All Source RFP and may enter into agreements in addition to the REPA that is the subject of this proceeding.

Public disclosure of this information could provide insight into the manner by which Kentucky Power evaluates bids in response to the 2023 All Source RFP, as well as the confidential preliminary terms of potential future agreements resulting from the RFP process. Such public disclosure could potentially impair the current evaluation process or future 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 ongoing 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 this 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 2023 All Source RFP.² The Commission also treated this 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.³ For the reasons stated herein, Attachment 1 to KPSC 1-13, Attachment 1 to AG-KIUC 1-1, and Attachment 1 to AG-KIUC 1-13 should be accorded confidential treatment indefinitely.

² 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).

³ See, *In the Matter Of: Electronic 2022 Integrated Resource Planning Report Of Kentucky Power Company*, Case No. 2023-00092 ("2022 IRP Case").

3. Attachment 1 to AG-KIUC 10.

Attachment 1 to AG-KIUC 10 is Kentucky Power's most recent IRP Report. This IRP Report is the exact same report that the Company filed on March 20, 2023 in Case No. 2023-00092. Kentucky Power sought confidential treatment for the same portions of this IRP Report in a motion filed on the same date as the IRP Report was filed in Case No. 2023-00092. The Commission, by Order dated May 8, 2023, in Case No. 2023-00092 granted the Company's motion for confidential treatment for the identified portions ordering:

2. The designated material in Exhibit I of the IRP Report and Exhibits G-2, G-3, G-4, G-5, G-7, and G-8 of the IRP Report shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Order of this Commission.
3. The designated material in Exhibit I of the IRP report that contains the forecasted usage data of wholesale customers shall not be placed in the public record or made available for public inspection until Kentucky Power's next IRP Report is filed, or until further Order of this Commission.
4. The maps contained in Exhibit F, pages 306 and 307, of the IRP Report shall not be placed in the public record or made available for public inspection for the life of the identified facilities, or until further Order of this Commission.⁴

Kentucky Power seeks confidential treatment of the same portions of the IRP Report that it sought confidential treatment for in its March 20, 2023 motion for confidential treatment in Case No. 2023-00092 and that the Commission granted confidential treatment for in its May 8, 2023 Order in that case. The bases for seeking confidential treatment of the identified portions of the IRP Report remain unchanged from when the Company sought confidential treatment of the same portions of the report in Case No. 2023-00092. Accordingly, Kentucky Power seeks confidential treatment for the identified portions of the IRP Report for the same periods as the Commission granted for the same portions of the same document in Case No. 2023-00092.

⁴ Order, 2022 IRP Case, at 5 (May 8, 2023).

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 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 Attachment 1 to KPSC 1-9 and the identified portions of Attachment 1 to KPSC 1-7, Attachment 2 to KPSC 1-9, Attachment 1 to KPSC 1-11, and Attachment 1 to KPSC 1-14;

2. According confidential status to and withholding from public inspection indefinitely the entirety of Attachment 1 to KPSC 1-13, Attachment 1 to AG-KIUC 1-1, and Attachment 1 to AG-KIUC 1-13;

3. According confidential status to and withholding from public inspection the identified portions of Attachment 1 to AG-KIUC 1-10 for the same periods as the Commission granted for the same portions of same document in its May 8, 2023 Order in Case No. 2023-00092; and

4. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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