

**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 Leave To Deviate**

Kentucky Power Company (“Kentucky Power” or “Company”) moves the Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001, Section 22 for leave to deviate from the requirements of the Commission’s August 21, 2024 Order to file an electronic copy of any paper in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8, and to instead file Confidential Attachment 1 to the Company’s response to the Attorney General’s and Kentucky Industrial Utility Customers, Inc.’s (collectively “AG-KIUC”) data request 1-1 (“AG-KIUC 1-1”) with the Commission in electronic format on a USB drive. The deviation to file the information on a USB drive is necessary due to the large volume of information contained in Confidential Attachment 1 to AG-KIUC 1-1. Kentucky Power also has separately filed a Motion for Confidential Treatment of this information. In support of its motion, Kentucky Power states as follows:

**A. Motion for Leave to Deviate**

Confidential Attachment 1 to AG-KIUC 1-1 is comprised of all of the responses to the Company’s 2023 All-Source Request for Proposal (“RFP”) for generation resources, as

requested by AG-KIUC in AG-KIUC 1-1. The information contained in Confidential Attachment 1 to AG-KIUC 1-1 is confidential in its entirety and the Company has requested confidential treatment of this information by separate motion. Confidential Attachment 1 to AG-KIUC 1-1 is very voluminous, and totals over 4.8 GB of electronic information. The Company typically would provide this confidential information to the Commission via email to the Commission's Executive Director's email inbox ([psced@ky.gov](mailto:psced@ky.gov)) in accordance with the Commission's March 24, 2020 Order in Case No. 2020-00085. However, given the large volume of information contained in the attachment, neither the Company nor the undersigned counsel have the ability to send the information via email or large file transfer to the Executive Director. The Company therefore respectfully requests that the Commission grant a deviation, to the extent required, to file this information in electronic format on a USB drive to be hand delivered to the Commission's offices. The Commission's March 24, 2020 Order in Case No. 2020-00085 appears to permit the Company to do so.<sup>1</sup>

The Company further requests leave to deviate from the requirements of 807 KAR 5:001, Section 8(4)(b), which requires electronic submissions to be 1) in portable document format, 2) search-capable, 3) optimized for viewing over the internet, and 4) scanned at a resolution of 300 dots per inch. Given the large volume of the information, and the number of different files included in the attachment (*e.g.* PDF, Excel) it is not practical nor reasonable for the Company to ensure that each individual file in the 4.8 GB of information comprising Confidential Attachment 1 to AG-KIUC 1-1 is converted to the format required by Commission regulations, given the

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<sup>1</sup> Order at 2, *In The Matter Of: Electronic Emergency Docket Related To The Novel Coronavirus Covid-19*, Case No. 2020-00085 (Ky. P.S.C. March 24, 2020) (“For both electronic and non-electronic cases, a party may file confidential information with the Commission by (1) emailing the information to [PSCED@ky.gov](mailto:PSCED@ky.gov) with a read receipt; or (2) sending by mail or delivery to the Commission's physical address, preferably on USB drive or compact disc, in the forms accepted by the Commission as provided for in 807 KAR 5:001, Section 8(4)...”).

time and manpower that would be required to do so. Nor can the Company individually label each document with the case number, attachment name, and page number like the Company typically does for the same reasons. For these reasons, the Company respectfully requests that the Commission grant a deviation, to the extent required, to file this information on a USB drive in its original format and without being formatted in accordance with 807 KAR 5:001, Section 8(4)(b).

The USB will be hand-delivered to the Commission's offices on September 25, 2024. Counsel for the Company has been in contact with Commission Staff concerning the delivery of the USB and will provide instructions on how to access the password-protected USB. The USB will also be delivered to the intervenors who have entered into a non-disclosure agreement to receive confidential information by overnight delivery on September 25, 2024.

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

1. Granting the Company a deviation, to the extent required, to file Confidential Attachment 1 to AG-KIUC 1-1 in electronic format on a USB drive to be hand delivered to the Commission's offices, and in its original format and without being formatted in accordance with 807 KAR 5:001, Section 8(4)(b); and

2. Granting such further relief to which the Company may be entitled.

Respectfully submitted,



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