

**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	)	
Solar, LLC; (2) Authorization To Enter Into The	)	Case No. 2024-00243
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 entirety of Attachment 1 to Kentucky Power’s October 2, 2024 Supplemental Responses to Attorney General’s and Kentucky Industrial Utility Customers, Inc.’s (collectively, “AG-KIUC”) data request 1-1 (“AG-KIUC 1-1”), Attachment 1 to AG-KIUC’s data request 1-5 (“AG-KIUC 1-5”), and Attachment 1 to AG-KIUC’s data request 1-9 (“AG-KIUC 1-9”).

Attachment 1 to AG-KIUC 1-1, Attachment 1 to AG-KIUC 1-5, and Attachment 1 to AG-KIUC 1-9 are comprised of confidential correspondence relating to bids received in response to the Company’s September 23, 2023 All-Source RFP for generation resources and the Company’s evaluation of the same (collectively, the “Confidential Information”).

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

public versions 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 AG-KIUC 1-1, Attachment 1 to AG-KIUC 1-5, and Attachment 1 to AG-KIUC 1-9.**

Attachment 1 to AG-KIUC 1-1 is comprised of all correspondence to and from Kentucky Power related to the responses to the Company's September 22, 2023 All-Source RFP for generation resources, which proposals were provided to the Company on a confidential basis by the respondents pursuant to a non-disclosure agreement. Attachment 1 to AG-KIUC 1-5 is comprised of correspondence relating to the Company's evaluation of certain responses to the All-Source RFP. Attachment 1 to AG-KIUC 1-9 is comprised of correspondence between the Company and either Bright Mountain Solar, LLC and/or Avangrid Renewables, LLC in regards to the Bright Mountain REPA. The Company is continuing to 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 type of 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.<sup>1</sup> 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.<sup>2</sup> For the reasons stated herein, Attachment 1 to AG-KIUC 1-1, Attachment 1 to AG-KIUC 1-5, and Attachment 1 to AG-KIUC 1-9 should be accorded confidential treatment indefinitely.

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<sup>1</sup> 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).

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

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 AG-KIUC 1-1, Attachment 1 to AG-KIUC 1-5, and Attachment 1 to AG-KIUC 1-9; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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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](mailto: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](mailto:kgish@stites.com)  
COUNSEL FOR KENTUCKY POWER  
COMPANY