

**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 Figure NMC-R2 in the Rebuttal Testimony of Company Witness Nicole M. Coon (“Figure NMC-R2”);
- the identified portions of Workpaper NMC-2 submitted with the Rebuttal Testimony of Company Witness Nicole M. Coon (“WP-NMC-2”);
- the identified portions of Workpaper NMC-3 submitted with the Rebuttal Testimony of Company Witness Nicole M. Coon (“WP-NMC-3”); and
- the identified portions of Workpaper NMC-4 submitted with the Rebuttal Testimony of Company Witness Nicole M. Coon (“WP-NMC-4”).

The Confidential Information includes information from a report created by Evolution Markets Inc. pursuant to an agreement that prohibits its public distribution. 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. **Figure NMC-2, WP-NMC-2, WP-NMC-3, and WP-NMC-4.**

Figure NMC-2, WP-NMC-2, WP-NMC-3, and WP-NMC-4 each include information from a report prepared by Evolution Markets, Inc. (“Evolution”) for known, settlement prices for RECs, including PJM TRI Class I RECs, or information 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. This agreement prohibits AEPSC and its affiliates from copying, transferring, or disseminating the report unless authorized by Evolution. The report is the property of Evolution; it is not the property Kentucky Power or its

affiliate, AEPSC. However, Kentucky Power has been authorized by Evolution 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 identified portions of Figure NMC-2, WP-NMC-2, WP-NMC-3, and WP-NMC-4 indefinitely. The identified information belongs to Evolution and not Kentucky Power. Absent a waiver of confidential treatment by Evolution, the information should remain confidential indefinitely. The Commission previously granted confidential protection to similar subscription information indefinitely.¹

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 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). Kentucky Power also sought confidential treatment of similar information in Part I.A.1 of its September 25, 2024 Motion for Confidential Treatment in this proceeding.

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 identified portions of Figure NMC-2, WP-NMC-2, WP-NMC-3, and WP-NMC-4; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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