

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

In the Matter of:

Electronic Application Of Kentucky Power Company)	
For Approval Of (1) A Certificate Of Public)	
Convenience And Necessity To Make The Capital)	
Investments Necessary To Continue Taking Capacity)	
And Energy From The Mitchell Generating Station)	Case No. 2025-00175
After December 31, 2028, (2) An Amended)	
Environmental Compliance Plan, (3) Revised)	
Environmental Surcharge Tariff Sheets, And (4) All)	
Other Required Approvals And Relief)	

Kentucky Power Company's Motion For Confidential Treatment

Kentucky Power Company ("Kentucky Power" or the "Company") moves the Public Service Commission of Kentucky (the "Commission") pursuant to 807 KAR 5:001, Section 13(2), and KRS 61.878(1)(c) for an Order granting confidential treatment to:

- (1) The identified portions of Attachment 1 to its response to Commission Staff Post-Hearing Data Request 6 ("KPSC PHDR 6");
- (2) The entirety of Attachment 1 to its response to Commission Staff Post-Hearing Data Request 7 ("KPSC PHDR 7");
- (3) The identified portions of Attachment 1 to its response to Commission Staff Post-Hearing Data Request 10 ("KPSC PHDR 10");
- (4) The identified portions of Attachment 2 to its response to KPSC PHDR 10;
- (5) The identified portion of the Company's response to KPSC PHDR 10;
- (6) The entirety of Attachment 1 to its response to Commission Staff Post-Hearing Data Request 12 ("KPSC PHDR 12");
- (7) The identified portion of the Company's response to KPSC PHDR 12;

- (8) The entirety of Attachment 1 to its response to Commission Staff Post-Hearing Data Request 14 (“KPSC PHDR 14”);
- (9) The identified portions of Attachment 1 to its response to AG-KIUC Post-Hearing Data Request 1 (“AG-KIUC PHDR 1”);
- (10) The entirety of Attachment 1 to its response to Sierra Club Post-Hearing Data Request 3 (“SC PHDR 3”);
- (11) The identified portion of the Company’s response to SC PHDR 3; and
- (12) The entirety of Attachment 1 to its response to Sierra Club Post-Hearing Data Request 4 (“SC PHDR 4”).

Specifically, Kentucky Power seeks confidential treatment of information relating to:

- (1) Non-public information regarding potential methods to address the structural needs of the Mitchell Unit 2 Cooling Tower (Attachment 1 to KPSC PHDR 6, Attachment 1 to SC PHDR 3, and the identified portions of the Company’s response to SC PHDR 3);
- (2) Bids received in response to the Company’s 2023 All Source RFP and the Company’s evaluation of the same (Attachments 1 and 2 to KPSC PHDR 10, the identified portion of the Company’s response to KPSC PHDR 10, Attachment 1 to KPSC PHDR 12, the identified portion of the Company’s response to KPSC PHDR 12, and Attachment 1 to AG-KIUC PHDR 1);
- (3) Information regarding the forecasted capital budget for the Mitchell Plant (Attachment 1 to KPSC PHDR 7); and

- (4) Information regarding estimated costs of potential future environmental compliance alternatives at the Mitchell Plant (Attachment 1 to KPSC PHDR 14 and Attachment 1 to SC PHDR 4).

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing a redacted version of these documents.

A. The Statutory Standard.

Kentucky Power does not object to filing the identified information for which it is seeking confidential treatment, but requests that the identified portions of these 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 identified information.

1. The identified portions of Attachment 1 to KPSC PHDR 6, Attachment 1 to SC PHDR 3, and the identified portions of the Company's response to SC PHDR 3.

Attachment 1 to KPSC PHDR 6 is a copy of the federal grant application seeking funds to offset the costs of addressing the structural needs of the Mitchell Unit 2 cooling tower and includes estimated costs and construction schedules associated with the selected option. Attachment 1 to SC PHDR 3 and the identified portions of the Company's response to SC PHDR 3 include non-public information regarding selection of alternatives to address the structural needs of the Mitchell Unit 2 cooling tower.

The disclosure of the identified information in Attachment 1 to KPSC PHDR 6, Attachment 1 to SC PHDR 3, and the identified portions of the Company's response to SC PHDR 3 would

unfairly prejudice Kentucky Power and its customers, by permitting an unfair commercial advantage to Kentucky Power's competitors and suppliers. Public disclosure of such project cost data and schedule information could prove damaging to the Company in both current and future competitive marketplaces, and would place Kentucky Power at a significant disadvantage in the marketplace. If Kentucky Power's costs and operating schedules are publicly known, competitors and suppliers can formulate competitive bidding strategies that will hamper the Company's ability to compete against them, cause Kentucky Power's units to operate/sell less, and ultimately cost more to operate, thereby resulting in higher costs for the Company's customers.

Moreover, disclosure of the cost estimates in Attachment 1 to KPSC PHDR 6 and in Attachment 1 to SC PHDR 3 would create a "price floor" for contractors and equipment suppliers bidding in response to requests for proposals to implement a chosen alternative. This could make the implementation project more expensive to the detriment of Kentucky Power's customers.

The identified portions of Attachment 1 to KPSC PHDR 6, Attachment 1 to SC PHDR 3, and the identified portions of the Company's response to SC PHDR 3 should remain confidential indefinitely.

- 2. The identified portions of Attachments 1 and 2 to KPSC PHDR 10, the identified portion of the Company's response to KPSC PHDR 10, Attachment 1 to KPSC PHDR 12, the identified portion of the Company's response to KPSC PHDR 12, and the identified portion Attachment 1 to AG-KIUC PHDR 1.**

The identified portion of Attachments 1 and 2 to KPSC PHDR 10, the identified portion of the Company's response to KPSC PHDR 10, Attachment 1 to KPSC PHDR 12, the identified portion of the Company's response to KPSC PHDR 12, and the identified portion of Attachment 1 to AG-KIUC PHDR 1 ("RFP Bid Information") contain information regarding bids submitted in response to the Company's September 22, 2023 All Source Request for Proposals ("RFP").

Public disclosure of the RFP Bid Information could provide insight into the manner by which Kentucky Power evaluates bids in response to an RFP, as well as the confidential preliminary terms of potential future agreements resulting from an RFP process. Such public disclosure could potentially impair 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 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.¹ 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.² For the reasons stated herein, the RFP Bid Information should be kept confidential indefinitely.

3. Attachment 1 to KPSC PHDR 7.

Attachment 1 to KPSC PHDR 7 includes the 10-year forecasted capital budget for the Mitchell Plant from which capital project cost data and timing could be determined. The disclosure of the identified information in the Attachment 1 to KPSC PHDR 7 would unfairly prejudice

¹ 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).

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

Kentucky Power and its customers, by permitting an unfair commercial advantage to Kentucky Power's competitors and suppliers. Public disclosure of such project cost data and operating information could prove damaging to the Company in both current and future competitive marketplaces, and would place Kentucky Power at a significant disadvantage in the marketplace. If Kentucky Power's costs and operating projections are publicly known, competitors and suppliers can formulate competitive bidding strategies that will hamper the Company's ability to compete against them, cause Kentucky Power's units to operate/sell less, and ultimately cost more to operate, thereby resulting in higher costs for the Company's customers. Moreover, disclosure of the budgeted costs for capital projects would create a "price floor" for contractors and equipment suppliers bidding in response to requests for proposals to implement a capital project. This could make the capital project more expensive to the detriment of Kentucky Power's customers. For the reasons stated herein, Attachment 1 to KPSC PHDR 7 should be kept confidential for a period of ten years.

4. Attachment 1 to KPSC PHDR 14 and Attachment 1 to SC PHDR 4.

Attachment 1 to KPSC PHDR 14 and Attachment 1 to SC PHDR 4 both contain information regarding the estimated costs of potential post-2031 environmental compliance options for the Mitchell Plant. Attachment 1 to KPSC PHDR 14 is an update to Attachment 1 to the Company's response to Commission Staff Data Request 4-3 which in turn is an update to Attachment 6 to the Company's response to AG-KIUC Data Request 1-1. These attachments are comprised of confidential workpapers that identify the results of a cost of service economic analysis prepared by Company Witness Vaughan to evaluate potential post-2031 environmental compliance options for the Mitchell Plant. The results of this evaluation include information regarding the operation of potential compliance alternatives to the Mitchell Plant, including a

hypothetical NGCC unit, as well as the estimated costs to implement and revenue impacts of potential compliance alternatives. The analysis was performed utilizing forecasts and other assumptions regarding market performance and costs in the future. Kentucky Power sought confidential treatment of the information in Attachment 6 to AG-KIUC 1-1 when it was filed on August 25, 2025, and of the information in Attachment 1 to KPSC 4-3 when it was filed on November 14, 2025.

Attachment 1 to SC PHDR 4 is a summary of the estimated environmental compliance costs for each applicable regulation described in the testimony of Company Witness Vaughan. These amounts were included in prior workpapers, specifically in Attachments 3, 4, and 5 of the Company's response to AG-KIUC Data Request 1-1. The Company sought confidential treatment of that information when filed on August 25, 2025.

The disclosure of the identified information in the Attachment 1 to KPSC PHDR 14 and Attachment 1 to SC PHDR 4 would unfairly prejudice Kentucky Power and its customers, by permitting an unfair commercial advantage to Kentucky Power's competitors and suppliers. Public disclosure of such project cost data and operating information could prove damaging to the Company in both current and future competitive marketplaces, and would place Kentucky Power at a significant disadvantage in the marketplace. If Kentucky Power's costs and operating projections are publicly known, competitors and suppliers can formulate competitive bidding strategies that will hamper the Company's ability to compete against them, cause Kentucky Power's units to operate/sell less, and ultimately cost more to operate, thereby resulting in higher costs for the Company's customers. Moreover, disclosure of the estimated costs for compliance alternatives would create a "price floor" for contractors and equipment suppliers bidding in

response to requests for proposals to implement a chosen alternative. This could make the implementation project more expensive to the detriment of Kentucky Power's customers.

For the reasons stated herein, the identified portions of Attachment 1 to KPSC PHDR 14 and Attachment 1 to SC PHDR 4 should be kept 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 identified information requested to be disclosed by Kentucky Power in response to KPSC PHDR 6, KPSC PHDR 7, KPSC PHDR 10, KPSC PHDR 12, KPSC PHDR 14, AG-KIUC PHDR 1, SC PHDR 3, and SC PHDR 4 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 American Electric Power Service Corporation). The Company, AEP, and its affiliates 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 Orders 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 Company respectfully requests the Commission to enter an Order:

1. According confidential status to and withholding from public inspection indefinitely the identified portions of Attachment 1 to KPSC PHDR 6, Attachment 1 to SC PHDR 3, and the identified portions of the Company's response to SC PHDR 3;

2. According confidential status to and withholding from public inspection indefinitely the identified portions of Attachments 1 and 2 to KPSC PHDR 10, the identified portions of the Company's response to KPSC PHDR 10, Attachment 1 to KPSC PHDR 12, the identified portion of the Company's response to KPSC PHDR 12, and the identified portions of Attachment 1 to AG-KIUC PHDR 1;

3. According confidential status to and withholding from public inspection for a period of ten years Attachment 1 to KPSC PHDR 7;

4. According confidential status to and withholding from public inspection indefinitely Attachment 1 to KPSC PHDR 14 and Attachment 1 to SC PHDR 4; and

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

Respectfully submitted,



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