

**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 the stenographic transcripts of the November 18, 2025 confidential sessions of the hearing in this matter ("Confidential Transcript").

The information for which Kentucky Power seeks confidential treatment is contained in Confidential Transcript and includes testimony given by Company witnesses during confidential session of the hearing in this matter on November 18, 2025. Kentucky Power is seeking confidential treatment of the Confidential Transcript in its entirety because it includes testimony about the following:

- (1) The Company's evaluation of alternatives for addressing the structural needs of the Mitchell Unit 2 cooling tower including estimated costs ("Cooling Tower Information"); and
- (2) The Company's evaluations of potential post-2031 environmental compliance options for the Mitchell Plant ("Environmental Compliance Information").

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing a redacted version of the Confidential Transcript.

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. Cooling Tower Information.

The Confidential Transcript includes testimony regarding the options Kentucky Power is evaluating for addressing the structural needs of the Mitchell Unit 2 cooling tower. This testimony included current costs estimates for options under review and the associated operational impacts of each option. It also included testimony regarding the option selected by the Company for addressing the structural needs of the Mitchell Unit 2 cooling tower that has not been publicly announced.

The disclosure of the Cooling Tower Information 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 cost estimates and the selected option 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 Cooling Tower Information with the exception of the description of the selected option should be kept confidential indefinitely.¹ The identification of the selected option for addressing the structural issues at the Mitchell Unit 2 cooling tower needs only to be treated as confidential until such time as the selection is announced publicly.

2. Environmental Compliance Information.

The Confidential Transcript also includes information regarding the Company's evaluations of potential post-2031 environmental compliance options for the Mitchell Plant. The Confidential Transcript includes discussions relating to the confidential workpapers of confidential workpapers (the "Confidential Workpapers") that identify the results of a cost of service economic analysis prepared by Company Witness Vaughan used to evaluate potential post-2031 environmental compliance options. The results of this evaluation include information regarding potential Mitchell Plant operations in each compliance alternative as well as the estimated costs to implement and revenue requirement impacts of each compliance alternative. The analysis was performed utilizing forecasts and other assumptions regarding market performance and costs in the future.

¹ Kentucky Power sought confidential treatment of similar information in a motion filed October 10, 2025.

The disclosure of the Environmental Compliance Information in the Confidential Transcript 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 each compliance alternative 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 Environmental Compliance Information in the Confidential Transcript should be kept confidential indefinitely.²

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 information contained in the Confidential Transcript 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

² Kentucky Power sought confidential treatment of similar information in motions filed August 25, 2025 and November 14, 2025.

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 entirety of the Confidential Transcript except for the identification of the selected option for addressing the structural issues at the Mitchell Unit 2 cooling tower;

2. According confidential status to and withholding from public inspection indefinitely the identification of the selected option for addressing the structural issues at the Mitchell Unit 2 cooling tower until such time as it is publicly disclosed by the Company; and

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

Respectfully submitted,



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