

**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 "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 identified portions of Attachment 1 to the Company's 2026 Mitchell Annual Report required by the Commission's December 30, 2025 order in this Proceeding. Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal those attachments containing confidential information.

**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 attachments 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 the 2026 Mitchell Annual Report.**

The identified portions of Attachment 1 to the Mitchell Annual Report includes forecasted projects for the coming calendar year (Tab “5b Cur Yr >= \$500k” to Attachment 1) and capital expenditures for the Company’s Mitchell Generating Station for the next ten years (Tab “5c 10 Yr Cap Budget” to Attachment 1). This kind of unit-specific operational and planning data is confidential. The rise of competitive markets such as PJM has placed a premium on generating unit data, including but not limited to, outage rates, heat rates, energy output, fuel costs, and the timing of planned capital expenditures. This data could be used by competitors in the PJM energy market to enhance their market offers in such a way that it could displace the Company’s generation.

The detail of the information provides highly sensitive data about the unique operation, costs, and performance of the Company’s generating units. If disclosed publicly, the Company’s competitors would be able to use this information to gain a competitive advantage over the Company in its daily participation in the PJM energy and ancillary service markets, as well as other electricity market activities. The Company’s unit-specific data is not generally known or readily ascertainable by other parties through normal or proper means. No reasonable amount of legitimate independent research could enable other parties to determine it. Kentucky Power derives independent economic value from the subject information not being generally known to, and not being readily ascertainable by other persons who can obtain economic value from its disclosure or use. Accordingly, Kentucky Power would be placed at a competitive disadvantage vis-à-vis other electric utilities buying and selling in the wholesale market if required to disclose the information publicly.

For reasons stated herein, the identified portions of Attachment 1 to the 2026 Mitchell Annual Report should be kept confidential for ten years, which is the end of the full forecast period. After such time, there will no longer be any competitive advantage to be gained from the information.

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 required to be disclosed by Kentucky Power in the 2026 Mitchell Annual Report 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). Kentucky Power, 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 Kentucky Power 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 on 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 Order 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 for a period of ten years the identified portions of Attachment 1 to the 2026 Mitchell Annual Report; and

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

Respectfully submitted,



Katie M. Glass  
STITES & HARBISON PLLC  
400 W Market Street  
Suite 1800  
Louisville, Kentucky 40202-3352  
Telephone: (502) 587-3400  
Fax: (502) 587-6391  
[kglass@stites.com](mailto:kglass@stites.com)

Kenneth J. Gish, Jr.  
Juan M. Dawson II (*pro hac vice*)  
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)  
[jdawson@stites.com](mailto:jdawson@stites.com)

COUNSEL FOR KENTUCKY POWER  
COMPANY