

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

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;) Case No. 2025-00257
(3) Approval Of Certain Regulatory And Accounting)
Treatments; 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 entirety of Attachment 2 to its response to Commission Staff Data Request 4-5 (“KPSC 4-5”). Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing Attachment 2 to KPSC 4-5 under seal.

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 2 to KPSC 4-5.

Attachment 2 to KPSC 4-5 includes information concerning the Company's internal accounting procedures. The Company's internal accounting procedures constitute proprietary and trade secret information. The procedures embody sensitive business operations procedures, which if made available, would potentially harm American Electric Power Company, Inc. ("AEP") and Kentucky Power. Public disclosure would provide competitors with insight into the internal operations of AEP, which they could then use and incorporate into their own business strategies, to the detriment of AEP and its customers.

Employees are instructed that the information is available only for internal use. The current version of the policies and procedures is published in summarized form only in external financial reports filed with the SEC and/or other required parties. Advancements in search technology and artificial intelligence; however, have made the public posting of the Company's internal accounting policies more accessible and thereby increased the risk of competitive injury. Where, in the past, the information was available only by an item by item search of the Company's data request responses, they are now available through searches performed using internet search engines. This information is exempt from disclosure under the Kentucky Open Records Act by KRS 61.878(c). The Company is seeking confidential treatment for the current version of its internal accounting policies and procedures only. The Commission previously granted confidential treatment to similar information in Kentucky Power's last base rate case for the reasons set forth above.¹ Kentucky Power therefore requests that the Commission treat as confidential the entirety of Attachment 2 to KPSC 4-5 for 20 years.

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*

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 response to KPSC 4-5 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 20 years Attachment 2 to KPSC 4-5; and

Approvals And Relief, Case No. 2023-00159 (Ky. P.S.C. Oct. 2, 2023). Kentucky Power sought confidential treatment of similar policies in this proceeding by motion dated September 12, 2025.

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

Kenneth J. Gish, Jr.
Harlee P. Havens
STITES & HARBISON PLLC
250 West Main Street, Suite 2300
Lexington, Kentucky 40507-1758
Telephone: (859) 226-2300
Fax: (859) 253-9144
kgish@stites.com
hhavens@stites.com
COUNSEL FOR KENTUCKY POWER
COMPANY