

**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)(a) and (c), for an Order granting confidential treatment to Attachment 1 to its response to Commission Staff Rehearing Data Request 1-11 (“KPSC RH1-11”) and Attachment 1 to its response to Commission Staff Rehearing Data Request 1-16 (“KPSC RH1-16”). Specifically, Kentucky Power seeks confidential treatment of information relating to the non-public, personal compensation information for the Company’s officers (Attachment 1 to KPSC RH1-11) and information extracted from a compensation survey that is proprietary and commercially valuable information owned by a third party (Attachment 1 to KPSC RH1-16).

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:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

...

(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.

These exceptions apply to the following information for which Kentucky Power is seeking confidential treatment:

1. Attachment 1 to KPSC RH1-11.

Attachment 1 to KPSC RH1-11 includes non-public compensation information for AEP's and Kentucky Power's officers. While some compensation information for certain Kentucky Power officers who are also named executive officers of the Company's parent, American Electric Power Company, Inc. ("AEP") ("NEOs") is provided in annual filings with the Securities and Exchange Commission ("SEC") of AEP, there are timing and methodology differences between the Attachments and the compensation information publicly filed with the SEC. Thus, the compensation information for the NEOs included in Attachment 1 to KPSC RH1-11 for 2025 provides a level of detail and certain compensation information that has not been publicly disclosed or varies from the publicly disclosed information due to timing and methodology differences.

Additionally, Attachment 1 to KPSC RH1-11 contains compensation-related information for employees beyond the NEOs of AEP. Personal compensation information for the Company's officers and other employees is kept confidential. This confidential employee compensation information, if disclosed, would enable competitors to attempt to recruit key Company and AEP personnel and would compromise AEP's and the Company's position in negotiating employee

compensation terms. This is especially true for high-level management and highly specialized personnel. This information is highly sensitive, even internally within the Company, and is only available on a need-to-know basis. Public disclosure of this information is likely to result in increased costs and a loss of negotiating ability for the Company. Disclosure of this information also increases the risk of a higher cost of service resulting from greater employee compensation demands and higher costs to recruit and retain skilled employees and managers.

This information is exempt from disclosure under the Kentucky Open Records Act by KRS 61.878(a) and 61.878(c). The personal compensation information in Attachment 1 to KPSC RH1-11 should remain confidential for five years. After five years, the labor market will have changed sufficiently and there will no longer be any competitive advantage to gain from the information. The Commission previously granted confidential treatment to similar information in Kentucky Power's last base rate case for the reasons set forth above.¹

2. Attachment 1 KPSC RH1-16

Attachment 1 to KPSC RH1-16 includes information from compensation surveys provided to AEP by Willis Towers Watson ("WTW") pursuant to subscription agreements with WTW. These subscription agreements prohibit AEP and Kentucky Power from copying, transferring, or disseminating any of the information contained in the Compensation Exhibits, unless approved by WTW. The surveys are the property of WTW and they are not the property of Kentucky Power or AEP. However, Kentucky Power has been authorized by WTW to produce this information if granted confidential treatment.

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. Oct. 2, 2023).

Disclosure of this information could result in competitive commercial injury to Kentucky Power by exposing Kentucky Power to liability for breaching the terms of the agreement upon which the Compensation Exhibits were produced to Kentucky Power. Disclosure also could preclude Kentucky Power from obtaining similar information from WTW in the future for use in benefits and compensation design.

Kentucky Power seeks confidential treatment of the Compensation Exhibits indefinitely. The identified information belongs to WTW, and not Kentucky Power. Absent a waiver of confidential treatment by WTW, the information should remain confidential indefinitely. The Commission previously granted confidential protection indefinitely to similar information.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 identified information required to be disclosed by Kentucky Power in response to KPSC RH1-11 and KPSC RH1-16 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.

² 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. Aug. 18, 2023).

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 five years the identified information in Attachment 1 to KPSC RH1-11;
2. According confidential status to and withholding from public inspection indefinitely the identified information in Attachment 1 to KPSC RH1-16; and
3. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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