

**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 the "Company") moves the Public Service Commission of Kentucky ("Commission") pursuant to 807 KAR 5:001, Section 13(2), and KRS 61.878(1) for an Order granting confidential treatment to the entirety of Exhibit ARC-R3 to the Rebuttal Testimony of Company Witness Andrew R. Carlin. Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal the entirety of Exhibit ARC-R3. The Company is also filing a public versions with the relevant portion of the document redacted.

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 requests that the exhibits be excluded from the public record and public disclosure.

KRS 61.878(1)(c)(1) excludes from the Open Records Act:

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.

As described below, the exception in KRS 61.878(1)(c)(1) applies to Exhibit ARC-R3.

1. Exhibit ARC-R3.

Kentucky Power seeks confidential treatment for the entirety of the Exhibit ARC-R3. Exhibit ARC-R3 is an analysis of the Company's benefits using data from the excerpt of the 2025 Aon Benefit Index supplied as Exhibit ARC-10 to the Direct Testimony of Company Witness Andrew R. Carlin. Kentucky Power sought confidential treatment of Exhibit ARC-10 by motion dated August 29, 2025.¹ Exhibit ARC-10 is made available to Kentucky Power pursuant to a subscription agreement with Aon. The subscription agreement prohibits Kentucky Power from copying, transferring, or disseminating any of the information contained in the Compensation Exhibits, unless approved by Aon. Exhibit ARC-10 and the data used in Exhibit ARC-R3 are the property of Aon; it is not the property Kentucky Power or its parent, American Electric Power Company, Inc. ("AEP"). Kentucky Power has been authorized by Aon to produce this information if granted confidential treatment.

The Commission should grant confidential treatment to this information because the specific Kentucky Power benefits and compensation data contained in Exhibit ARC-R3 would provide a competitive advantage to all employers seeking to attract and retain current and prospective Kentucky Power (or AEP-system) employees. Disclosure of Company specific compensation and benefits would bolster the ability of other potential employers to attract and retain current and prospective employees and this could impair the Company's ability to attract and retain suitable employees, which could force the Company to accelerate its pay rates and/or enhance its benefits to do so. In addition, contractors for the Company and other utilities could also use this information, without investing the time and expense to participate in and purchase

¹ The Company sought confidential treatment for Exhibit ARC-10 by motion dated August 29, 2025.

these studies, to fine tune their compensation and benefit offerings to better compete with the Company for employees. These other employers may use this information to craft compensation and design benefits more precisely to attract and retain employees who might otherwise have been attracted or retained by the Company. This also could increase employee turnover, increase hiring costs, and increase compensation and benefits expense.

In addition, 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 Aon 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 Aon, and not Kentucky Power. Absent a waiver of confidential treatment by Aon, the information should remain confidential indefinitely. The Commission previously granted confidential protection to similar information 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 in Exhibit ARC-R3 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

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).

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 will be submitted as part of the Rebuttal Testimony of Company Witness Carlin. 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 Exhibit ARC-R3; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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