

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

In the Matter of:

Electronic Application Of Kentucky Power Company	)	
For A Certificate Of Public Convenience And	)	
Necessity To Expand and Upgrade Portions of the	)	Case No. 2025-00335
Baker Substation In Lawrence County, Kentucky	)	
(Baker Reactor Breaker Project)	)	

**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)(c)(1) for an Order granting confidential treatment to the identified confidential documents, specifically certain engineering plans and/or specifications provided with Exhibit 5 to the Company’s Application (“Confidential Information”) for a certificate of public convenience and necessity (“CPCN”) authorizing the Company to expand and upgrade portions of the Baker Substation located in Lawrence County, Kentucky (“the “Project”).

The Confidential Information is comprised of plans, specifications, and drawings of certain 765kV components of the proposed Project and, if made publicly available and obtained by competitors, would permit an unfair commercial advantage to Kentucky Power competitors.

Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the identified portions of Exhibit 5 under seal. Kentucky Power is also filing a public version of Exhibit 5 with the Confidential Information redacted.

## I. MOTION FOR CONFIDENTIAL TREATMENT

### A. The Request 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 information 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:

### B. The Confidential Information

Exhibit 5 contains proprietary engineering specification drawings of the major individual components of the Baker Project. The Confidential Information is demonstrative of the components that make up the general arrangement drawing of the proposed station layout. The Confidential Information is provided to satisfy the requirements of 807 KAR 5:001, Section 15(2)(d)(2), which requires plans specifications and drawings of the proposed plant, equipment, and facilities. These particular specifications are designed and engineered by their respective manufacturers for exclusive use by AEP and its affiliates. Specifically, the Confidential Information contains non-public detailed drawings and specifications of 765kV components of the Project, which could be used by a competitor of Kentucky Power to gain insight through reverse engineering about the process that the manufacturer and/or AEP uses to design its transmission facilities, and particularly high voltage 765kV facilities. Such public disclosure could harm not only the manufacturer, but also AEP, Kentucky Power, and ultimately Kentucky

Power's customers because the cost to construct the facilities could increase, therefore increasing costs to customers. As such, the Confidential Information is exempted from public inspection under KRS 61.878(1)(c)(1).

Finally, the manufacturers of the equipment treat these plans and specifications, identified as the Confidential Information herein, as confidential and proprietary, and do not disclose it to the public. Kentucky Power seeks confidential treatment of the Confidential Information for the life of the Baker Project facilities.

C. The Identified Information is Required to be Disclosed to an Agency.

Under KRS 61.870(1), the Commission is a "public agency" as that term is defined, and the Confidential Information is required to be disclosed to the Commission under the Commission's regulations governing applications for CPCNs. This 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 the Confidential Information contained in Application Exhibit 5 for the life of the Baker Project facilities;
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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Katie M. Glass  
STITES & HARBISON PLLC  
421 West Main Street  
P. O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: (502) 223-3477  
Fax: (502) 560-5377  
[kglass@stites.com](mailto:kglass@stites.com)

Kenneth J. Gish, Jr.  
Juan Dawson II (*pro hac vice pending*)  
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