

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Electronic Application Of Kentucky Power)	
Company For A Certificate Of Public Convenience)	
And Necessity To Construct 46kV Transmission Line)	
In Floyd and Johnson Counties, Kentucky)	Case No. 2025-00346
("Prestonsburg–Thelma Transmission Line Rebuild)	
Project"))	

Kentucky Power Company’s Motion For Confidential Treatment

Kentucky Power Company (“Kentucky Power” or the “Company”) moves the Public Service Commission of Kentucky (the “Commission”) pursuant to 807 KAR 5:001, Section 13(2), and KRS 61.878(1)(c) for an Order granting confidential treatment to the Company’s survey of the final location of the transmission facilities (the “Final Survey”) comprising the Prestonsburg–Thelma Transmission Line Rebuild Project (the “Project”).

The Final Survey contains detailed, non-public information concerning Kentucky Power’s infrastructure, operational conditions, and system characteristics. Additionally, the Final Survey includes Critical Energy Infrastructure Information (“CEII”). Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing the Final Survey under seal.

A. The Statutory Standard.

Kentucky Power does not object to filing the identified information for which it is seeking confidential treatment, but requests that the identified portions of these documents be excluded from the public record and public disclosure.

KRS 61.878(1)(k) excludes from the Open Records Act “all public records or information the disclosure of which is prohibited by federal law or regulation.” The Final Survey satisfies the statutory requirements for confidential treatment under KRS 61.878(1)(k).

KRS 61.878(1)(m)(1)(f) also exempts records from public inspection that would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act, including:

Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;

The Final Survey also satisfies each of the statutory requirements for confidential treatment under KRS 61.878(1)(m)(1)(f).

1. The Final Survey

The Final Survey includes detailed information regarding the location, design, and engineering of the Project and should be treated as confidential CEII. Federal Energy Regulatory Commission (“FERC”) regulations define CEII as:

specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that:

- (i) Relates details about the production, generation, transportation, transmission, or distribution of energy;
- (ii) Could be useful to a person in planning an attack on critical infrastructure;
- (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and
- (iv) Does not simply give the general location of the critical infrastructure.¹

¹ 18 CFR § 388.113(c)(2).

The FERC definition of CEII includes existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.² The Final Survey constitutes CEII under the FERC definition and are protected from disclosure under the Freedom of Information Act by 18 C.F.R. § 388.112.

The Final Survey is also protected from disclosure under KRS 61.878(1)(m)(1)(f). In particular, the Project is critical to the ability of Kentucky Power to provide electrical service to its customers. Prohibiting public disclosure of the Final Survey would have a reasonable probability of protecting against, mitigating, or responding to a terrorist act, as that term is defined at KRS 61.878(1)(m)(2). Moreover, the information is exempted by KRS 61.878(1)(k) as information exempted from disclosure under federal law.

Kentucky Power seeks confidential treatment of the Final Survey for the life of the Project. Once the Project is retired the information will no longer be CEII.

B. The Identified Information is Generally Recognized as Confidential and Proprietary and Public Disclosure of it Will Violate Federal Law.

The identified information in Kentucky Power's Final Survey 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). The Company, AEP, and its affiliates take all reasonable measures to prevent its disclosure to the public as well as persons within the Company 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 upon a

² *Id.*

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 required to be disclosed to the Commission in order to comply with the requirements of the Commission's April 3, 2026 Order in this matter. The Commission is a "public agency" as that term is defined in KRS 61.870(1).

WHEREFORE, Kentucky Power Company respectfully requests the Commission to enter an Order:

1. According confidential status to and withholding from public inspection for the life of the Project the Final Survey; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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