

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Electronic Application Of Kentucky Power Company	)	
For 1) A Certificate Of Public Convenience And	)	
Necessity To Construct A Mechanical Draft Cooling	)	
Tower At The Mitchell Plant 2) Approval Of Certain	)	Case No. 2026-00001
Regulatory And Accounting Treatments, And 3) All	)	
Other Required Approvals And Relief	)	

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 select portions of the transcript of the hearing in this matter (“Hearing Transcript”).¹ Pursuant to 807 KAR 5:001, Section 13, Kentucky Power is filing under seal those portions containing confidential information.

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

¹ Hearing Transcript at 123:22–132:9 (filed July 21, 2026).

commercial advantage to competitors of the entity that disclosed the records.

The identified portions of the hearing transcript satisfy the requirements for confidential treatment under KRS 61.878(1)(c)(1).

The identified portions of the Hearing Transcript include lines of questioning wherein Commission Staff cross-examined Company Witness Malone about the contents of Confidential Exhibit SPM-1. Confidential Exhibit SPM-1 includes detailed budgetary estimates on a cost-category basis used to estimate the total cost of the Mitchell Cooling Tower Project (the “Estimate Support”).² While Kentucky Power is not seeking confidential treatment for the total estimated cost of the Mitchell Cooling Tower Project, confidential treatment is appropriate for the cost-category level estimates in the Estimate Support that were discussed in the Company Witness Malone’s cross-examination.

The Company will seek bids from contractors and suppliers for the individual project components included in the Estimate Support. Disclosure of the cost estimates in the Estimate Support would create a “price floor” for contractors and equipment suppliers bidding in response to requests for proposals to implement a chosen alternative. This could make the construction and implementation project more expensive to the detriment of Kentucky Power’s customers.

For the reasons stated herein, the portions of the Hearing Testimony discussing the Estimate Support should be kept confidential until such time as construction on the Mitchell Cooling Tower Project is complete. After such time, there will no longer be any competitive advantage to be gained from the information.

² Kentucky Power sought confidential treatment of identified portions of Exhibit SPM-1 by motion dated February 17, 2026.

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 and Violate Federal Law.

The identified information in the Hearing Transcript 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 in the Hearing Transcript will be submitted as part of the Company's Application in this case. 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 until construction of the Mitchell Cooling Tower Project is complete the identified portions of the Hearing Transcript (lines 123:22–132:9); and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K. J. Gish, Jr.", enclosed within a large, loopy oval shape.

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