

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 the following:

1. the identified portions of Attachments 2 through 5 to the Company’s response to Commission Staff Data Request 1-7 (“KPSC 1-7”);
2. the identified portions of Attachments 2 through 5 to the Company’s response to Commission Staff Data Request 1-10 (“KPSC 1-10”);
3. the entirety of Attachment 1 to the Company’s response to Commission Staff Data Request 1-12 (“KPSC 1-12”)
4. the entirety of Attachment 1 to the Company’s response to Commission Staff Data Request 1-18 (“KPSC 1-18”);
5. the entirety of Attachment 1 to the Company’s response to Commission Staff Data Request 1-20 (“KPSC 1-20”); and
6. the identified portions of Attachment 1 to the Company’s response to Sierra Club Data Request 1-10 (“SC 1-10”).

Specifically, Kentucky Power seeks confidential treatment of information relating to:

1. the future operations and forecasted revenues of Kentucky Power’s generation fleet (Attachments 2 through 5 to KPSC 1-7, Attachments 2-5 to KPSC 1-10, and Attachment 1 to SC 1-10; collectively, the “Forecast Information”)); and

2. the development of the cost estimate for the construction of a new mechanical draft cooling tower and partial demolition of the existing cooling tower at Mitchell Unit 2 (the “Mitchell Cooling Tower Project”) found in Attachment 1 to KPSC 1-12 and Attachment 1 to KPSC 1-18 and the component level cost estimates for other option in Attachment 1 to KPSC 1-20 (collectively, the “Estimate Support Information”).

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 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.

The identified documents satisfy the requirements for confidential treatment under KRS 61.878(1)(c)(1).

1. The Forecast Information

The Forecast Information includes specific information relating to potential derates of Mitchell Unit 2 resulting from the various options and the expected operation and revenue generation from the various options. This kind of unit-specific operational and planning data is confidential. The rise of competitive markets such as PJM has placed a premium on generating unit data, including but not limited to, outage rates, scheduled outages, heat rates, energy output, fuel costs, and the timing of planned capital expenditures. This data could be used by competitors

in the PJM energy market to enhance their market offers in such a way that it could displace the Company's generation.

The detail of the information provides highly sensitive data about the unique operation, costs, and performance of the Company's generating units. If disclosed publicly, the Company's competitors would be able to use this information to gain a competitive advantage over the Company in its daily participation in the PJM energy and ancillary service markets, as well as other electricity market activities. The Company's unit-specific data is not generally known or readily ascertainable by other parties through normal or proper means. No reasonable amount of legitimate independent research could enable other parties to determine it. Kentucky Power derives independent economic value from the subject information not being generally known to, and not being readily ascertainable by other persons who can obtain economic value from its disclosure or use. Accordingly, Kentucky Power would be placed at a competitive disadvantage vis-à-vis other electric utilities buying and selling in the wholesale market if required to disclose the information publicly.

For reasons stated herein, the Forecast Information should be kept confidential for a period of 10 years. After such time, there will no longer be any competitive advantage to be gained from the information.

2. Estimate Support

The Estimate Support contain detailed budgetary estimates on a cost-category basis used to estimate the total cost of the Mitchell Cooling Tower Project and other options to address the structural issues at the existing Mitchell Unit 2 cooling tower. While Kentucky Power is not seeking confidential treatment for the total estimated cost of the Mitchell Cooling Tower Project

or other options, confidential treatment is appropriate for the cost-category level estimates in the Estimate Support.

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 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.

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 in the Forecast Information and the Estimate Support 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 Forecast Information and the Estimate Support is required to be submitted pursuant to the Commission's order 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 for a period of 10 years, the Forecast Information;
2. According confidential status to and withholding from public inspection until construction of the Mitchell Cooling Tower Project is complete the Estimate Support; and
3. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



Katie M. Glass
STITES & HARBISON PLLC
400 W Market Street
Suite 1800
Louisville, Kentucky 40202-3352
Telephone: (502) 587-3400
Fax: (502) 587-6391
kglass@stites.com

Kenneth J. Gish, Jr.
Harlee P. Havens
STITES & HARBISON PLLC
250 West Main Street, Suite 2300
Lexington, Kentucky 40507-1758
Telephone: (859) 226-2300
Fax: (859) 253-9144
kgish@stites.com
hhavens@stites.com
COUNSEL FOR KENTUCKY POWER
COMPANY