

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)
THE FUEL ADJUSTMENT CLAUSE OF)
KENTUCKY POWER COMPANY FROM) CASE NO. 2012-00550
NOVEMBER 1, 2010 THROUGH OCTOBER 31,)
2012)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On March 3, 2013, Kentucky Power Company (“Movant”) moved, pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the materials in question – planned outage schedules – are records generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). Movant requests that the outage schedules remain confidential for a reasonable period following the scheduled conclusion of the last identified planned outage. Movant states that the public disclosure of the planned outage schedule could be used to Movant’s competitive disadvantage. Movant requests that the remaining material be granted confidential treatment for a reasonable period of time.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment are records containing data which are generally recognized as confidential or proprietary, and which if openly disclosed, would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. The schedule for planned outages which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for two years after the date of this Order, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted.

2. The planned outages schedule for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection for two years from the date of this Order, at which time the materials will be placed in the public record. Movant may request that the material continue to be treated as confidential but must demonstrate that the material still falls within the exclusions established in KRS 61.878.

3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any

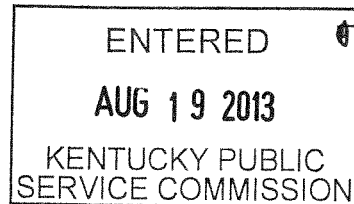
subsequent motion for continued confidential treatment of the material in question after the end of the period set forth in ordering paragraph 2.

4. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

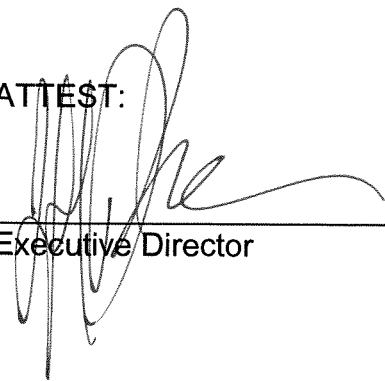
5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission



ATTEST:



Executive Director

Case No. 2012-00550

Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634