

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF KENTUCKY POWER COMPANY FROM)	2016-00230
NOVEMBER 1, 2015 THROUGH APRIL 30, 2016)	

ORDER

This matter arises on petitions filed by Kentucky Power Company (Kentucky Power) on August 26, 2016, and on October 5, 2016, 2016, pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed with the Commission be afforded confidential protection.

In its August 26, 2016 petition, Kentucky Power requests that its response to Commission Staff's First Request for Information (Staff's First Request), Item 19, be held confidential for five years, and that its response to Staff's First Request, Items 26 and 28 be held confidential for an indefinite period. As a basis for its request, Kentucky Power states that the designated materials contain bid information provided by non-selected third parties in response to a coal-supply solicitation and proprietary information provided to Kentucky Power under license for calculating Kentucky Power's peak unit equivalent. Kentucky Power asserts that the designated materials are exempt from public disclosure because they contain confidential or proprietary information that, if publicly disclosed, would result in competitive harm to Kentucky Power.

In its October 5, 2016 petition, Kentucky Power requests that its response to Commission Staff's Second Request for Information (Staff's Second Request), Item 2,

Attachment 1, be afforded confidential treatment for an indefinite period. The designated materials contain proprietary information provided to Kentucky Power under license for calculating Kentucky Power's peak unit equivalent. Kentucky Power asserts that the designated materials are exempt from public disclosure because they contain confidential or proprietary information that, if openly disclosed, would result in competitive harm to Kentucky Power.

Having considered the petitions and the materials at issue, the Commission finds that the information contained in Kentucky Power's responses meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's August 26, 2016 and October 5, 2016 petitions for confidential protection are granted.
2. The designated materials in Kentucky Power's responses to Staff's First Request, Item 19, shall not be placed in the public record or made available for public inspection for a period of five years, or until further Orders of this Commission.
3. The designated materials in Kentucky Power's responses to Staff's First Request, Items 26 and 28, and to Kentucky Power's responses to Staff's Second Request, Item 2 shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.
4. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Kentucky Power shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect the materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, Kentucky Power 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 Kentucky Power is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. The Commission shall not make the designated materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

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By the Commission

ENTERED
JAN 02 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

For [Signature]
Executive Director

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