

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	
CLAUSE OF KENTUCKY POWER COMPANY)	CASE NO.
FROM NOVEMBER 1, 2014 THROUGH)	2017-00001
OCTOBER 31, 2016)	

ORDER

On February 20, 2017, Kentucky Power Company (“Kentucky Power”) filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of the following: 1) Attachment 1 to its response to Commission Staff’s Request for Information 1-6 (“Staff 1-6”); 2) Attachment 1 to its response to Commission Staff’s Request for Information 1-9 (“Staff 1-9”); 3) Attachment 1 to its response to Commission Staff’s Request for Information 1-11 (“Staff 1-11”); and 4) Attachment 2 to its response to Commission Staff’s Request for Information 1-25 (“Staff 1-25”).

Specifically, Kentucky Power seeks confidential treatment of: 1) projected energy sales revenues (Attachment 1 to Staff 1-6); 2) information relating to scheduled maintenance outages for 2017-2018 (Attachment 1 to Staff 1-9); 3) customer-specific information regarding wholesale customers (Attachment 1 to Staff 1-1); and 4) the information provided by non-selected third parties in response to written coal-supply

solicitations issued by Kentucky Power during the period of May 1, 2016, to October 31, 2016 (Attachment 2 to Staff 1-25).

As the basis for its request, Kentucky Power states that public disclosure of Attachment 1 to Staff 1-6 and Attachment 1 to Staff 1-9 could provide data that would give a competitive advantage to direct competitors and could result in higher prices to Kentucky Power's customers. Kentucky Power requests that Attachment 1 to Staff 1-6 remain confidential until 2019 and Attachment 1 to Staff 1-9 remain confidential for two years.

Regarding its request for Attachment 1 to Staff 1-11, Kentucky Power states that it contains customer-specific information about two wholesale customers that is not publicly available and was not generated by the customers. Kentucky Power asserts that this information is proprietary to Kentucky Power and should receive the same treatment as similar information concerning Kentucky Power's commercial and industrial customers. Kentucky Power requests that this information remain confidential until 2019.

Kentucky Power requests that the information in the identified portion of Attachment 2 to Staff 1-25 remain confidential for five years, since this information was provided to Kentucky Power by third parties in response to written requests. This information provides insight into the process by which Kentucky Power evaluates bids for coal supply solicitations. Prior disclosure of the information could affect Kentucky Power's ability to obtain competitive bids in future solicitations and would be detrimental to customers, according to Kentucky Power.

On May 1, 2017, Kentucky Power filed a second petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of the following: 1) Attachment 1 to 1-9 of its supplemental response to Staff's Request for Information 1-9 ("Supplemental 1-9"); 2) Attachment 1 to its response to Commission Staff Post-Hearing Data Request 1 ("PHDR-1"); and (3) Attachment 1 to its response to Commission Staff Post-Hearing Data Request 4 ("PHDR-4").

Specifically, Kentucky Power is seeking confidential treatment of information relating to: 1) the revised scheduled maintenance outages for 2017 and 2018 (Attachment 1 to Supplemental 1-9); 2) the cost-based offers made by Kentucky Power into the PJM market (Attachment 1 to PHDR-1); and 3) information provided to Kentucky Power under license from *Platts Gas Weekly* and utilized by Kentucky Power in performing calculations for determining Kentucky Power's "peaking unit equivalent" (Attachment 1 to PHDR-4).

As the basis for the request, Kentucky Power states that public disclosure of the information in Attachment 1 to Supplemental 1-9 and Attachment 1 to PHDR-1 could provide data that would give a competitive advantage to Kentucky Power's direct competitors, to the detriment of Kentucky Power's customers. Kentucky Power requests that the information in Attachment 1 to Supplemental 1-9 remain confidential for two years and the information in Attachment 1 to PHDR-1 remain confidential for five years.

Regarding Attachment 1 to PHDR-4, Kentucky Power states that public disclosure of this information would cause Kentucky Power to violate the terms of its

license agreement with the publisher of *Platts Gas Daily*, and that this could result in the information's no longer being made available to the Kentucky Power. Kentucky Power requests that this information remain confidential indefinitely.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Attachment 1 to Staff 1-6, Attachment 1 to Staff 1-9, Attachment 1 to Staff 1-11, Attachment 2 to Staff 1-25, Attachment 1 to Supplemental 1-9, Attachment 1 to PHDR-1, and Attachment 1 to PHDR-4 is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's petition for confidential protection for Attachment 1 to Staff 1-6, Attachment 1 to Staff 1-9, Attachment 1 to Staff 1-11, Attachment 2 to Staff 1-25, Attachment 1 to Supplemental 1-9, Attachment 1 to PHDR-1, and Attachment 1 to PHDR-4 is granted.
2. Attachment 1 to Staff 1-6 shall not be placed in the public record or made available for public inspection until 2019, or until further Orders of this Commission.
3. Attachment 1 to Staff 1-9 shall not be placed in the public record or made available for public inspection for a period of two years, or until further Orders of this Commission.
4. Attachment 1 to Staff 1-11 shall not be placed in the public record or made available for public inspection until 2019, or until further Orders of this Commission.

5. Attachment 2 to Staff 1-25 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.

6. Attachment 1 to Supplemental 1-9 shall not be placed in the public record or made available for public inspection for a period of two years, or until further Orders of this Commission.

7. Attachment 1 to PHDR-1 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.

8. Attachment 1 to PHDR-4 shall not be placed in the public record or made available for public inspection until further Orders of this Commission.

9. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

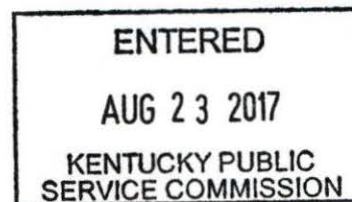
10. Kentucky Power shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

11. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, then Kentucky Power shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested material shall be

made available for inspection. Otherwise, the Commission shall deny the request for inspection.

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

By the Commission



ATTEST:



Acting Executive Director

*Amy J Elliott
Kentucky Power Company
855 Central Avenue, Suite 200
Ashland, KY 41101

*Kentucky Power Company
855 Central Avenue, Suite 200
Ashland, KY 41101

*Judy K Rosquist
Kentucky Power Company
855 Central Avenue, Suite 200
Ashland, KY 41101

*Kenneth J Gish, Jr.
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KENTUCKY 40507

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