COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY POWER COMPANY FOR (1) A GENERAL ADJUSTMENT OF ITS RATES FOR ELECTRIC SERVICE; (2) AN ORDER APPROVING ITS 2017 ENVIRONMENTAL COMPLIANCE PLAN; (3) AN ORDER APPROVING ITS TARIFFS AND RIDERS; (4) AN ORDER APPROVING ACCOUNTING PRACTICES TO ESTABLISH REGULATORY ASSETS AND LIABILITIES; AND (5) AN ORDER GRANTING ALL OTHER REQUIRED APPROVALS AND RELIEF

ORDER

On September 25, 2017, Kentucky Power Company ("Kentucky Power") filed a motion, pursuant to 807 KAR 5:001, Section 13 and KRS 61.878, requesting that the Commission grant confidential protection to the Attorney General’s Second Supplemental Data Requests ("AG’s Second Supplemental Requests"), Items 1 through 18; portions of Kentucky Power’s Response to AG’s Second Supplemental Request, Item 17, including Attachment 17; and Attachment 1 and Attachment 2 to Kentucky Power’s Response to AG’s Second Supplemental Request, Item 18. On November 8, 2017, Kentucky Power filed another motion, pursuant to 807 KAR 5:001, Section 13 and KRS 61.878, renewing its request that the Commission grant confidential treatment to AG’s Second Supplemental Request, Item 7.¹

¹ Kentucky Power renewed the motion at that time because it was filing a supplemental response to AG’s Second Supplemental Request, Item 7. It was not requesting that the response to AG’s Second Supplemental Request, Item 7 be treated confidentially but rather was concerned only with the request itself.
As a basis for both motions, Kentucky Power asserted that the designated materials are based on or contain references to confidential audit documentation prepared by Kentucky Power's external auditor, Deloitte & Touche, LLP ("Deloitte"). Kentucky Power stated that the Deloitte audit documentation is the property of Deloitte and is not the property of Kentucky Power or its parent, American Electric Power Company, Inc. For that reason, Kentucky Power previously claimed, in refusing to provide certain documents to the Attorney General, that it was not able to produce the audit documentation. Rather, Kentucky Power arranged for the Attorney General to review the documents at Deloitte's offices subject to a separate non-disclosure agreement between the Attorney General and Deloitte. Kentucky Power further claimed that the documents would not have been made available to the Attorney General except on terms that required the documents not be publicly filed. Kentucky Power argued that the designated materials contain confidential and proprietary information exempt from disclosure, pursuant to KRS 61.878(1)(c).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13. The Commission further finds that the designated materials should not be placed in the public record or made available for public inspection, unless and until the Commission orders otherwise.

IT IS THEREFORE ORDERED that:

2. The designated portions of AG’s Second Supplemental Requests, Items 1 through 18; Kentucky Power’s Response to AG’s Second Supplemental Request, Item 17, Attachment 1; and Kentucky Power’s Response to AG’s Second Supplemental Request, Item 18, Attachments 1 and 2 for which confidential treatment was requested and granted shall not be placed in the public record or subject to public disclosure for an indefinite period of time, unless and until the Commission orders otherwise.

3. The use of materials granted confidential treatment in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. Kentucky Power shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this order, Kentucky Power shall have 20 days from receipt of written notice of the request to demonstrate that the materials are exempt from disclosure, pursuant to KRS 61.878. If Kentucky Power is unable to make such demonstration or the non-party establishes that an exemption does not apply, the requested materials shall be made available for inspection.
By the Commission

ENTERED
JUN 19 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

[Signature]
Executive Director

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