

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)	CASE NO.
ENVIRONMENTAL COMPLIANCE PLAN; (3) AN)	2017-00179
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:

1. Kentucky Power's September 25, 2017, and November 8, 2017 motions for confidential treatment are hereby granted.

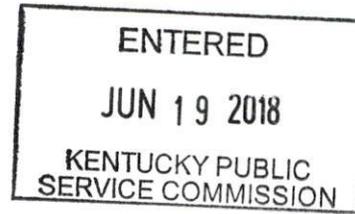
2. The designated portions of AG's Second Supplemental Requests, Items 1 through 18; Kentucky Power's Response to AG's Second Supplemental Request, Item 17, Attachment 1; and Kentucky Power's Response to AG's Second Supplemental Request, Item 18, Attachments 1 and 2 for which confidential treatment was 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).

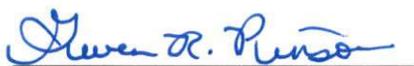
4. Kentucky Power shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

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



ATTEST:


Executive Director

*William H May, III
Hurt, Deckard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

*James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

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

*Barry Alan Naum
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Jody M Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

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

*Carrie M Harris
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Janice Theriot
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

*Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Don C Parker
Spilman Thomas & Battle, PLLC
300 Kanawha Blvd, East
Charleston, WEST VIRGINIA 25301

*Justin M. McNeil
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Elizabeth Sekula
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Laurence J Zielke
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

*Gregory T Dutton
Frost Brown Todd, LLC
400 West Market Street
32nd Floor
Louisville, KENTUCKY 40202-3363

*Kent Chandler
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Mark E Heath
Spilman Thomas & Battle, PLLC
300 Kanawha Blvd, East
Charleston, WEST VIRGINIA 25301

*Hector Garcia
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216

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

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Matthew R Malone
Attorney at Law
Hurt, Deckard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

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

*Morgain Sprague
Kentucky League of Cities
101 East Vine Street
Suite 800
Lexington, KENTUCKY 40507

*Rebecca W Goodman
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Ranie Wohnhas
Managing Director
Kentucky Power Company
855 Central Avenue Suite 200
Ashland, KENTUCKY 41101

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507