

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RIVERSIDE GENERATING COMPANY, L.L.C.)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2017-00472
)	
KENTUCKY POWER COMPANY)	
)	
DEFENDANT)	

ORDER

This matter arises from a motion requesting confidential treatment, pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, filed by Kentucky Power Company (Kentucky Power) on June 4, 2018.

In its motion, Kentucky Power requests confidential treatment for an indefinite period for information contained in its responses to Commission Staff's First Data Request (Staff's First Request), Item 2, and to Riverside Generating Company, L.L.C.'s First Data Request (Riverside's First Request), Item 2. Kentucky Power states that the information contained in Attachment 1 to its response to Staff's First Request, Item 2, and in Attachment 1 to its response to Riverside's First Request, Item 2, consist customer-specific information concerning purchases and generation of electricity by Riverside Generating Company, L.L.C. (Riverside). Kentucky Power notes that it does not release customer-specific information to the public and that its customers expect the company to protect the confidentiality of such information. Kentucky Power further notes that

customers such as Riverside operate in competitive markets and that releasing customer-specific information will allow competitors to gain specific information regarding Riverside's costs. In turn, Kentucky Power asserts that disclosure of such information would make it less likely that customers will locate in Kentucky Power's service territory and, therefore, result in harm to the company.

Having carefully considered the motion and the materials at issue, the Commission finds that the designated materials in the confidentiality motion of Kentucky Power meet the criteria for confidential treatment and are exempt 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 June 4, 2018 motion for confidential treatment is granted.
2. The designated materials for which Kentucky Power seeks confidential treatment in its June 4, 2018 motion shall not be placed in the public record or made available for public inspection for an indefinite period of time or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Kentucky Power shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
5. 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 run, then Kentucky Power shall have 30 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.

6. The Commission shall not make the requested materials available for inspection for 30 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
MAY 16 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

For 
Executive Director

Case No. 2017-00472

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