

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2019 INTEGRATED RESOURCE)	CASE NO.
PLANNING REPORT OF KENTUCKY POWER)	2019-00443
COMPANY)	

ORDER

On December 20, 2019, 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 for portions of its Integrated Resource Planning (IRP) Report that include forecasted load, costs, and prices; projected capacity factors and heat rates; and location of transmission facilities.

The designated materials and periods are as follows:

- Exhibit I, Pages 1406-1710, 1714-1717, 1720-1723, 1726-1728, 1730-1732, 1734-1737, 1739-1741, 1743-1746, 1748-1751, 1753-1755, 1758-2089, 2092-2102, 2132-2153, 2156-2160, 2188-2195, 2244-2245, and 2247-2268; Exhibits G-2, G-3, G-4, pages 264–266 of 2268; and Exhibits G-5, G-7, G-8, pages 267, 269, and 270 of 2268. Kentucky Power explained that the designated materials consist of forecasted non-public customer-specific information; forecasted sales to individual wholesale customers and related forecasted electricity prices through 2054; projected capacity factors and availability factors for steam generation resources through 2034; and projected average heat rates, average fuel costs, non-fuel operation and maintenance costs, and projected variable production costs through 2034. Kentucky Power requests confidential treatment

for the designated materials for an indefinite period of time pursuant to KRS 61.878(1)(c)(1), which prohibits public disclosure of confidential or proprietary information. Kentucky Power asserted the designated materials have competitive commercial value to its wholesale customers and that public disclosure could result in companies refraining from locating their businesses in Kentucky Power's service territory, which could result in commercial harm to Kentucky Power and its customers. Kentucky Power stated that similar information was accorded confidential treatment in a previous IRP case.¹

- Exhibit F, pages 260–261 of 2268, which contains information regarding Kentucky Power's and its parent's generation and transmission infrastructure. Kentucky Power requested confidential treatment for the designated materials for an indefinite period of time pursuant to KRS 61.878(1)(m)(1)(f), which prohibits public disclosure of critical energy infrastructure that, if publicly disclosed, would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act. Kentucky Power also requested confidential treatment pursuant to KRS 61.878(1)(k), which prohibits public disclosure of records for which public disclosure is prohibited by federal law.

Having considered the motion and the materials at issue, the Commission finds that the designated materials are generally recognized as confidential or proprietary, and therefore meet the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, KRS 61.878(1)(c)(1), KRS 61.878(1)(k), and KRS 61.878(1)(m)(1)(f).

¹ Case No. 2016-00413, *Electronic 2016 Integrated Resource Planning Report of Kentucky Power Company to the Public Service Commission of Kentucky* (Ky. PSC Feb. 20, 2019).

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential protection for the designated material is granted.

2. The designated information shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

3. Use of the material 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 material in question becomes publicly available or no longer qualifies for confidential treatment.

5. 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, Kentucky Power shall have 30 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.

6. The Commission shall not make the requested material available for inspection for 30 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

ENTERED
MAR 03 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2019-00443

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