

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR APPROVAL OF A	)	CASE NO.
CONTRACT FOR ELECTRIC SERVICE WITH	)	2020-00019
AIR PRODUCTS AND CHEMICALS, INC.	)	

ORDER

On March 31, 2021, 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 treatment for ten years for portions of Kentucky Power's annual report of revenues received from and marginal costs of providing service to Air Products and Chemicals, Inc. (Air Products) under the terms of a special contract. The designated material consists of customer-specific billing information.

In support of its motion, Kentucky Power asserted that Air Products expects Kentucky Power to protect the confidentiality of the information. Kentucky Power explained that Air Products operates in a competitive national market and that public disclosure of the designated material would provide Air Products' competitors with an unfair commercial advantage. Kentucky Power contended that, as a result of public disclosure of confidential information that could result in a commercial disadvantage, other commercial and industrial customers would be less likely to locate their businesses in Kentucky Power's service territory, which would result in harm to Kentucky Power and

its customers from a declining customer base. Kentucky Power stated that the Commission granted confidential treatment to similar information in previous cases.<sup>1</sup>

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

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Kentucky Power shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty 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

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<sup>1</sup> Case No. 2017-00179, *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* (Ky. PSC Oct. 5, 2017).

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 from the date of service of 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.

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By the Commission



ATTEST:

  
Executive Director

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