

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY TO AMEND THE	)	
SETTLEMENT AGREEMENT APPROVED IN	)	
CASE NO. 2018-00035 TO PROVIDE FOR THE	)	CASE NO.
ONE-TIME AMORTIZATION OF UNPROTECTED	)	2020-00176
ACCUMULATED DEFERRED FEDERAL INCOME	)	
TAX IN AN AMOUNT SUFFICIENT TO	)	
ELIMINATE CUSTOMER DELINQUENCIES	)	
GREATER THAN 30 DAYS AS OF MAY 28, 2020	)	

ORDER

On July 30, 2020, 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 Kentucky Power's response to Commission Staff's Second Request for Information (Staff's Second Request), Item 1. The designated materials consist of the names and account numbers of residential, commercial, and industrial customers who are delinquent on their bills, largely due to the economic impact of COVID-19. Kentucky Power requested that the designated materials identifying residential customers be treated as confidential for an indefinite period and that the designated materials identifying commercial and industrial customers be treated as confidential for ten years.

As a basis for its request to treat only the customer names as confidential, Kentucky Power asserted that public disclosure is prohibited by KRS 61.878(1)(a), which prohibits public disclosure of information of a personal nature where the public disclosure

would constitute an unwarranted invasion of personal privacy, and KRS 61.878(1)(c)(1), which prohibits public disclosure of confidential and proprietary information that, if openly disclosed, would permit an unfair commercial advantage to competitors. Kentucky Power argued that residential customers have some expectation of privacy in regard to bill payment and that public disclosure of the names of delinquent residential customers would result in an unwarranted invasion of personal privacy, Kentucky Power further argued that public disclosure of the names of delinquent commercial and industrial customers could place Kentucky Power's commercial and industrial customers at a competitive disadvantage. Finally, Kentucky Power stated that the Commission granted confidential treatment for the same type of information by Order entered July 14, 2020.

Having considered the motion and the materials at issue, the Commission finds that the public disclosure of the designated materials pertaining to residential customers contained in Kentucky Power's response to Staff's Second Request, Item 1, would result in an unwarranted invasion of personal privacy, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a). The Commission further finds that designated materials pertaining to commercial and industrial customers contained in Kentucky Power's response to Staff's Second Request, Item 1, are generally recognized as confidential or proprietary, and therefore meet the criteria for confidential treatment and are 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 protection for designated materials contained in its response to Staff's Second Request, Item 1, is granted.

2. The designated materials pertaining to residential customers shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of this Commission.

3. The designated materials pertaining to commercial and industrial customers shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.

4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Kentucky Power shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. 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 expired, 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.

7. The Commission shall not make the requested materials available for inspection for 30 days from the date of service of 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  
OCT 12 2020  
rca  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Acting Executive Director

Case No. 2020-00176

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