

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) APPROVAL OF TARIFFS AND	)	
RIDERS; (3) APPROVAL OF ACCOUNTING	)	CASE NO.
PRACTICES TO ESTABLISH REGULATORY	)	2023-00159
ASSETS AND LIABILITIES; (4) A	)	
SECURITIZATION FINANCING ORDER; AND (5)	)	
ALL OTHER REQUIRED APPROVALS AND	)	
RELIEF	)	

ORDER

On July 13, 2023, Kentucky Power Company (Kentucky Power) filed a motion that requested a deviation from Commission Staff's First Request for Information (Staff's First Request) dated May 31, 2023, and the filing requirements of 807 KAR 5:001, Section 13(2)(a)(3). Kentucky Power requested that its response to Staff's First Request, Item 22 be available for inspection at its counsel's office in lieu of filing the same in electronic medium.<sup>1</sup> Kentucky Power stated the document is 230 MB, making it difficult to upload to the Commission's electronic filing system. Kentucky Power also stated the document is a third-party benefit survey and in the vendor contract, Kentucky Power is not authorized to share a copy of the document. Kentucky Power is only authorized to share

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<sup>1</sup> Kentucky Power's Motion for Leave to Deviate (filed July 13, 2023) at 1.

the document confidentially with Commission Staff and parties that have executed a nondisclosure agreement.<sup>2</sup>

### LEGAL STANDARD

KRS 278.100 requires the Executive Director of the Commission to maintain the official record of Commission proceedings. Commission regulation 807 KAR 5:001, Section 13 outlines the procedures for a request by a party for confidential treatment of information filed with the Commission. Commission regulation 807 KAR 5:001, Section 13(2)(a)(3) requires that the party requesting confidential treatment file an unredacted copy of the documents.<sup>3</sup> The Commission may grant a deviation from filing requirements under 807 KAR 5:001, Section 22, which allows deviation from the filing requirements in 807 KAR 5:001 upon a showing of good cause. In Case No. 2022-00311, the Commission authorized deviations from certain electronic file format and size regulations pending the amendment of the relevant regulations.<sup>4</sup> The Commission established standards that accepted for electronic filing zip files for certain file formats greater than 50 MB that cannot be submitted in multiple uploading sessions. Additionally, the Commission encouraged filers to contact the Commission's Filings Branch Staff for assistance before tendering a motion to deviate from filing format and size requirements.

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<sup>2</sup> Kentucky Power's Motion for Leave to Deviate at 1–2.

<sup>3</sup> 807 KAR 5:001, Section 13(2)(a)(3). See also Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus Covid-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2023, files are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

<sup>4</sup> Case No. 2022-00311, *Electronic Review of Electronic Filing Procedures in 807 KAR 5:001, Section 8(2), (4), and (6)* (Ky. PSC Oct. 6, 2022).

## DISCUSSION AND FINDINGS

Based upon a review of the motion and being otherwise sufficiently advised, the Commission finds that Kentucky Power failed to establish good cause to deviate from filing requirements in 807 KAR Section 13(2)(a)(3), as modified by Case No. 2020-00085, for the reasons set forth below, and therefore Kentucky Power's motion should be denied. The statement that the document is large, making uploading burdensome, is not good cause to deviate from the filing requirements. Furthermore, allowing Kentucky Power to maintain documents that are included in the official record outside the control of the Commission and its Executive Director is not permissible under the regulations or statutes that govern Commission proceedings. Furthermore, it is unreasonable to require Commission Staff to travel to Kentucky Power's counsel's office to review the documents.

As noted in Case No. 2022-00311, Kentucky Power should contact Commission Filings Branch Staff at 502-564-3940 for assistance with electronic filing issues.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion to deviate from filing requirements is denied.
2. Kentucky Power shall file an unredacted copy of its response to Staff's First Request, Item 22 via the electronic filing system.

PUBLIC SERVICE COMMISSION

*Mark C. Hill*

Chairman

*Angie Hatton  
May Pat Regan*

*Angie Hatton*

Vice Chairman

*May Pat Regan*

Commissioner

ENTERED  
AUG 11 2023 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

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