

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 December 15, 2023, 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 through December 31, 2030, for the entirety of Attachments 1, 2, and 3 to Kentucky Power’s response to Commission Staff’s Post Hearing Request for Information (Staff’s Post-Hearing Request), Item 16.

In support of its motion, Kentucky Power argued that the attachments are comprised of confidential presentation materials prepared by Kentucky Power and presented as part of an annual investment review process to American Electric Power Company, Inc.’s (AEP) Investment Review Committee.¹ According to the motion, the presentations contain sensitive information relating to confidential non-public financial information, business strategy, and other forecast information relating to Kentucky

¹ Motion for Confidential Treatment (Motion) (filed Dec. 15, 2023) at 2.

Power.² In addition, the presentations contain some of the same confidential non-public information related to other AEP affiliates.³ As such, Kentucky Power argued that Attachments 1, 2, and 3 contain sensitive commercial or proprietary information, the disclosure of which could be used by Kentucky Power's, or AEP affiliates', competitors to gain a competitive advantage.⁴ Any such competitive advantage that could be gained could result in an increase to Kentucky Power's cost of service and other potential harms, which could be passed on to customers. Kentucky Power requested that the confidential information identified in Attachments 1, 2, and 3 should be kept confidential through December 31, 2030, which is the date of the latest confidential information contained in any of the presentations.⁵ After this time, according to Kentucky Power, the information will be of little or no competitive value.

Having considered the motion and the material at issue, the Commission finds that the entirety of Attachments 1, 2, and 3 to Staff's Post-Hearing Request is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1). Disclosure of the material would disadvantage Kentucky Power in the marketplace.

² Motion at 2.

³ Motion at 2.

⁴ Motion at 2.

⁵ Motion at 3.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's December 15, 2023, 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 through December 31, 2030, 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. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Kentucky Power shall inform the Commission and file with the Commission an unredacted copy of the designated material.

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 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.

PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner

ENTERED
JUN 04 2024
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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