

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	)	CASE NO.
RIDERS; (3) APPROVAL OF CERTAIN	)	2025-00257
REGULATORY AND ACCOUNTING	)	
TREATMENTS; AND (4) ALL OTHER REQUIRED	)	
APPROVALS AND RELIEF	)	

ORDER

On January 27, 2026, 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 Kentucky Power’s Response to Commission Staff’s Post-Hearing Request for Information (Staff’s Post-Hearing Request), Item 6 (Attachments 1-3), for an indefinite period; Staff’s Post-Hearing Request, Item 8, (Attachments 1-5), for ten years; and Kentucky Power’s Response to Joint Intervenor’s Post-Hearing Request for Information (Joint Intervenor’s Post-Hearing Request), Item 1 (Attachment 1), for ten years.

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records “be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884.¹ The exceptions to the free and open

¹ KRS 61.872(1).

examination of public records should be strictly construed.² The party requesting that the materials be granted confidential protection has the burden of establishing that one of the exemptions is applicable.³ KRS 61.878(1)(c)(1) exempts from public disclosure “[r]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

Kentucky Power’s response to Staff’s Post-Hearing Request, Item 6 (Attachments 1-3), consisted of credit rating methodologies from Fitch, Moody’s, and S&P. Kentucky Power argued that the credit ratings are proprietary information prepared by the credit agencies and are available to Kentucky Power pursuant to paid subscription agreements and public disclosure is prohibited and could result in competitive commercial injury to Kentucky Power. Having considered the motion and material at issue, the Commission finds that disclosure of the designated material provided in Kentucky Power’s response to Staff’s Post-Hearing Request, Item 6 (Attachments 1-3) are records that are considered confidential and the disclosure of which may place Kentucky Power at a competitive disadvantage; thus meets the criteria for confidential treatment and should be exempted from public disclosure for an indefinite period pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

Kentucky Power’s response to Staff’s Post-Hearing Request, Item 8 (Attachments 1-5), consisted of memoranda supporting private placements of bonds and other debt and Kentucky Power argued that information could compromise the issuer’s competitive

² KRS 61.878.

³ 807 KAR 5:001, Section 13(2)(c).

position and affect market behavior, which could increase the costs of future offerings and violate securities laws. Having considered the motion and material at issue, the Commission finds that disclosure of the designated material provided in Kentucky Power's response to Staff's Post-Hearing Request, Item 8 (Attachments 1-5), are records that are considered confidential and the disclosure of which may place Kentucky Power at a competitive disadvantage; thus meets the criteria for confidential treatment and should be exempted from public disclosure for ten years pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

Kentucky Power's Response to Joint Intervenor's Post-Hearing Request, Item 1 (Attachment 1), included forecasted capital expenditures and operational data for the Mitchell Generating Station for the next ten years and Kentucky Power argued that the information could be used by competitors in the PJM energy market to enhance their market offers in such a way that it could displace Kentucky Power's generation and place it at a commercial disadvantage.

Having considered the motion and material at issue, the Commission finds that the designated material provided in Kentucky Power's response Joint Intervenor's Post-Hearing Request, Item 1 (Attachment 1) are records that are considered confidential and the disclosure of which may place Kentucky Power at a competitive disadvantage; thus meets the criteria for confidential treatment and should be exempted from public disclosure for ten years pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's January 27, 2026 motion for confidential treatment is granted.

2. Kentucky Power's response to Staff's Post-Hearing Request, Item 6 (Attachments 1-3) granted confidential treatment by this order 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. Kentucky Power's response to Staff's Post-Hearing Request, Item 8 (Attachments 1-5) 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.

4. Kentucky Power's Response to Joint Intervenors' Post-Hearing Request, Item 1 (Attachment 1) 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.

5. 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).

6. 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.

7. 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 20 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.

8. 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Entered on this 29th day of July, 2026.

PUBLIC SERVICE COMMISSION



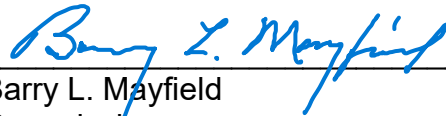
Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for Case 2025-00257

* Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Ashley Wilmes
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

* Byron Gary
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

* Honorable David Edward Spenard
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KY 40202

* Tom Fitzgerald
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

* Hector Garcia
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

* Harlee P. Havens
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

* Jody Kyler Cohn
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

* Jennifer L. Parrish
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

* Jeffery D. Newcomb
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

* John Horne
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

* Kenneth J Gish, Jr.
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

* Honorable Kimberly S McCann
Attorney at Law
VanAntwerp Attorneys, LLP
1544 Winchester Avenue, 5th Floor
P. O. Box 1111
Ashland, KY 41105-1111

* Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Matt Partymiller
President
Kentucky Solar Industries Association
1038 Brentwood Court
Suite B
Lexington, KY 40511

* Michael West
Office of the Attorney General Office of Rate Intervention
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

* Michael J. Schuler
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OH 43216

* Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

* Randal A. Strobo
Strobo Barkley PLLC
239 South 5th Street
Ste 917
Louisville, KY 40202

* Toland Lacy
Office of the Attorney General
700 Capital Avenue
Frankfort, KY 40601

* Tanner Wolfram
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OH 43216

* W. Mitchell Hall, Jr.
VanAntwerp Attorneys, LLP
1544 Winchester Avenue, 5th Floor
P. O. Box 1111
Ashland, KY 41105-1111