COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY POWER COMPANY FOR (1) APPROVAL OF CONTINUATION OF ITS DEMAND-SIDE MANAGEMENT PROGRAMS; (2) AUTHORITY TO RECOVER COSTS AND NET LOST REVENUES, AND TO RECEIVE INCENTIVES ASSOCIATED WITH THE IMPLEMENTATION OF ITS DEMAND-SIDE MANAGEMENT PROGRAMS; (3) ACCEPTANCE OF ITS ANNUAL DSM STATUS REPORT; AND (4) ALL OTHER REQUIRED APPROVAL AND RELIEF	)	CASE NO. 2025-00365

O R D E R

On July 15, 2026, Kentucky Power Company (Kentucky Power) filed a motion, pursuant to 807 KAR 5:001, Section 13(2), and KRS 61.878(1)(c), requesting that the Commission grant confidential treatment for indefinite period for two attachments provided in response to Commission Staff's Post Hearing Request for Information (Staff's Post Hearing Request).

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] Exceptions to the free and open examination of public records contained in KRS 61.884 should be strictly construed.[2] The

[1] KRS 61.872(1).

[2] *See* KRS 61.871.

party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.[3]

In support of its motion, Kentucky Power stated that Attachment 1 to its response to Staff's Post Hearing Request, Item 15 (KPSC PHDR 1-15) is a contract it entered into with a provider of its demand-side management (DSM) services, TRC, and that Attachment 1 to Staff's Post Hearing Request, Item 17 (KPSC PHDR 1-17) is the agreement between TRC and its subcontractor.[4] Kentucky Power argued that these attachments should receive confidential treatment for an indefinite period pursuant to KRS 61.878(1) as they are contracts that "include negotiated rates, terms, and conditions that the Company's DSM contractor and subcontractor treat as proprietary and confidential."[5] Furthermore, Kentucky Power argued that disclosure of the information would give insight that is not publicly available, place it at a commercial disadvantage, and would limit companies willing to respond to requests for proposals or negotiate in the future.[6]

Having considered the motion and the material at issue, the Commission finds that KPSC PHDR 1-15 and KPSC PHDR 1-17 are 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).

[3] 807 KAR 5:001, Section 13(2)(c).

[4] Motion for Confidential Treatment (Motion) (filed July 15, 2026) at 2.

[5] Motion at 2.

[6] Motion at 2.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's July 15, 2026 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 indefinite period 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 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.

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.

Entered on this 29th day of October, 2026.

PUBLIC SERVICE COMMISSION

Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:

Justin McNeil RP

Justin McNeil
Executive Director

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