Steven L. Beshear Governor

Leonard K. Peters Secretary Energy and Environment Cabinet



Commonwealth of Kentucky
Public Service Commission

211 Sower Blvd. P.O. Box 615 Frankfort, Kentucky 40602-0615 Telephone: (502) 564-3940 Fax: (502) 564-3460 psc.ky.gov David L. Armstrong Chairman

James W. Gardner Vice Chairman

February 24, 2012

Stites & Harbison PLLC Attention: Mark R. Overstreet 421 West Main Street P.O. Box 634 Frankfort, Kentucky 40602-0634

Re: Kent

Kentucky Power Company

Petition for Confidential Protection received January 27, 2012 and Amended

Petition for Confidential Protection received February 7, 2012

PSC Reference #: 2011-00401

Dear Mr. Overstreet:

The Public Service Commission has received the Petition for Confidential Protection you filed on January 27, 2012 ("January 27 Petition"), and the Amended Petition for Confidential Protection filed on February 7, 2012 ("Amended Petition"), on behalf of Kentucky Power Company ("Kentucky Power"), to protect certain information filed with the Commission as confidential pursuant to Section 7 of 807 KAR 5:001 and KRS 61.878. The information you seek to have treated as confidential is identified in your January 27 Petition as being portions of Kentucky Power's Responses to Data Requests as follows: Sierra Club's Data Request Nos. 1-5 (on CD), 1-1, 1-3 (on CD), 1-4, and 1-36; Commission's Data Request Nos. 1-10, 1-30, 1-39(d), and 1-93; KIUC's Data Request Nos. 1-5, 1-19 (on CD), 1-28, 1-37, and Attorney General Data Request Nos. 1-22 and 1-23.

Your Amended Petition stated that a portion of your responses to Sierra Club's Data Request Nos. 1-5 (on CD) that had been requested to be confidential no longer requires confidential treatment, and you enclosed revised responses reflecting the disclosure of the non-confidential information. Therefore, your January 27 Petition is being treated as merged with your Amended Petition and both are addressed herein according to your request. Your justification for having the Commission handle this material as confidential is that the public disclosure of the information would compromise Kentucky Power's competitive position in the industry, which would result in an unfair commercial advantage to its competitors.



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Based on a review of the information and pursuant to KRS 61.878 and 807 KAR 5:001, Section 7, the Commission has determined that the information requested to be held confidential is of a proprietary nature, which if publicly disclosed would permit an unfair commercial advantage to Ky Power's competitors. Therefore, the information requested to be treated as confidential **meets the criteria for confidential protection** and will be maintained as a nonpublic part of the Commission's file in this case. The procedure for usage of confidential materials during formal proceedings may be found at Section 7(8) of 807 KAR 5:001.

If the information becomes publicly available or no longer warrants confidential treatment, Kentucky Power Company is required by Section 8(9)(a) of 807 KAR 5:001 to inform the Commission so that the information may be placed in the public record.

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cc: Parties of Record