

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF )  
THE FUEL ADJUSTMENT CLAUSE OF BIG ) CASE NO. 2013-00449  
RIVERS ELECTRIC CORPORATION FROM MAY )  
1, 2013 THROUGH OCTOBER 31, 2013 )

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On February 28, 2014, Big Rivers Electric Corporation ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, that certain material filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the material in question – a fuel contract solicitation bid tabulation sheet – is a record generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). Movant requests that the bid tabulation sheet remain confidential indefinitely because, until Movant changes its bid selection methodology, the public disclosure of the bid tabulation sheet could be used to Movant's competitive disadvantage.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The material for which Movant seeks confidential treatment is a record containing data which is generally recognized as confidential or proprietary, and which if

openly disclosed would permit an unfair commercial advantage to its competitors and should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. The bid tabulation sheet for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection indefinitely from the date of this Order.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted.

2. The bid tabulation sheet for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection indefinitely from the date of this Order.

3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the material in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410.

4. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Movant shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

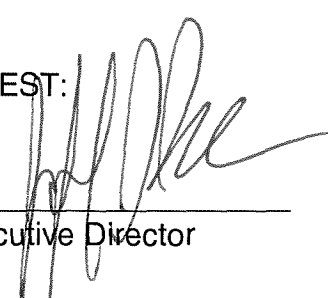
6. If a non-party to this proceeding requests to inspect material granted confidential treatment by this Order, and the period during which the material has been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Movant is

unable to make such demonstration, the requested material shall be made available for inspection.

By the Commission

ENTERED <sup>at</sup>  
JUN 20 2014  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

Case No. 2013-00449

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