

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)	
CORPORATION FOR A GENERAL)	
ADJUSTMENT IN RATES SUPPORTED BY)	CASE NO. 2013-00199
FULLY FORECASTED TEST PERIOD)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On June 28, 2013, Big Rivers Electric Corporation ("Movant") moved pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its petition, Movant states that the information it is requesting to be held confidential is contained in its supplemental responses to the Kentucky Office of the Attorney General's ("AG") Initial Requests for Information. The information is more particularly described as portions and/or attachments for the supplemental responses to Items 52 and 53 of the AG's Initial Request for Information ("AG 1-52" and "AG 1-53," respectively). The information sought to be treated confidential in AG 1-52 includes financial reports presented to Movant's Internal Risk Management Committee and contains Movant's budget forecasts, projections of off-system sale prices and volumes, planned outage information, projected cost of service (including variable operating costs), and projected gross and operating margins. The information sought to be treated confidential in AG 1-53 is page 28.1, which Movant states was inadvertently omitted from Movant's original responses to AG 1-53 that it filed on September 3, 2013,

and should be inserted between pages 28 and 29 of Movant's original attachment to its response AG 1-53. Page 28.1 contains minutes from meetings of Movant's Board of Directors, which include information relating to Movant's projected variable operating and maintenance costs for production factors such as fuel, reagent, disposal, and emission allowances, transmission costs, projected margins, and projected off-system sales price, volume, and revenue. Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for a period of five years from the date of this Order.

IT IS THEREFORE ORDERED that:

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

2. The materials for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection for a period of five years from the date of this Order, or until further Orders of this Commission. At the end of this period, the material shall be placed in the public record. The Movant may request that the material continue to be treated as confidential but must demonstrate that the material still falls within the exclusions established in KRS 61.878.

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

4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have 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 materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

6. The Commission shall not make the requested materials available for inspection 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission

ENTERED
APR 11 2014
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

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