

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF THE)	
FUEL ADJUSTMENT CLAUSE OF BIG RIVERS)	CASE NO.
ELECTRIC CORPORATION FROM NOVEMBER 1,)	2016-00235
2015 THROUGH APRIL 30, 2016)	

ORDER

On August 25, 2016, Big Rivers Electric Corporation (BREC) filed a petition, pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed with the Commission be afforded confidential protection.

In support of its request, BREC states that the information it requests to be held confidential is contained in its responses to requests for information in the Appendix to Commission's Order dated August 12, 2016, Items 5 and 24. The designated material in Item 5 is information regarding ongoing off-system sales, which BREC requests be held confidential for five years. The designated materials in Item 24 is information regarding current heat rates and efficiency of BREC's generating units, which BREC requests be held confidential for an indefinite period. BREC contends that public disclosure of the designated materials will result in commercial harm to BREC.

Having considered the petition and the materials at issue, the Commission finds that the information contained in BREC's responses meets the criteria for confidential treatment and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. BREC's petition for confidential protection for its responses to the requests for information contained in the Appendix to the Commission's Order dated August 12, 2016, is granted.

2. The designated materials in BREC's response, Item 5, shall not be placed in the public record or made available for public inspection for five years, or until further Orders of this Commission.

3. The designated materials in BREC's response, Item 24, shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

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

5. BREC shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect the designated materials and the period during which the materials have been granted confidential treatment has not expired, BREC shall have 20 days from receipt of written notice of the request to demonstrate that the designated materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If BREC is unable to make such demonstration, the designated materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

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

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By the Commission

ENTERED
JAN 02 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

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