

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC	)	CASE NO.
CORPORATION FOR A DECLARATORY	)	2016-00278
ORDER	)	

ORDER

This matter arises on petitions filed on February 2, 2017, February 3, 2017, and February 16, 2017, by Big Rivers Electric Corporation (BREC), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for an indefinite period.

In support of its petition filed on February 2, 2017, BREC states that public disclosure of the designated materials contained in the Deposition of Gary Quick would violate an agreed protective order between BREC and the city of Henderson, Kentucky.

In support of its petition filed on February 3, 2017, BREC states that public disclosure of the designated materials contained in an updated version of an exhibit to the Direct Testimony of Robert W. Berry (Berry Testimony), which contains confidential power costs, would result in competitive injury.

In support of its petition filed on February 16, 2017, BREC states that public disclosure of the designated materials in an attachment to its response to Commission's Staff's Post-Hearing Request for Information, Item 1, Attachment 2 to Post-Hearing Item 1 contains the same information for which BREC requested confidential treatment in its petition filed on February 3, 2017.

Having considered the petitions and the materials at issue, the Commission finds that the designated materials described in BREC's February 2, 2017; February 3, 2017; and February 16, 2017 petitions meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. BREC's February 2, 2017, February 3, 2017, and February 16, 2017 petitions for confidential protection are granted.
2. The designated materials 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.
3. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. BREC shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, BREC shall have 30 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 BREC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the designated materials available for inspection for 30 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  
JUN 13 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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