

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)	
COMMISSION OF THE ENVIRONMENTAL)	
SURCHARGE MECHANISM OF BIG RIVERS)	
ELECTRIC CORPORATION FOR THE)	Case No.
SIX-MONTH BILLING PERIOD ENDING)	2016-00368
JULY 31, 2016 AND THE PASS THROUGH)	
MECHANISM OF ITS THREE MEMBER)	
DISTRIBUTION COOPERATIVES)	

ORDER

On December 12, 2016, Big Rivers Electric Corporation ("Big Rivers") filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of its responses to Commission Staff's First Request for Information ("Staff's First Request"). The designated materials for which confidential protection is requested are more specifically described as Big Rivers' response to Staff's First Request, Item 5, which contains invoices to its Member distributive cooperatives. The confidential information contained in the invoices provides the identity/location of substations and detailed information such as substation loading.

In support of its petition, Big Rivers' states that the information contained in the responses to Staff's First Request, Item 5, if made public, could be used to analyze vulnerable locations in Big Rivers' transmission system, which could pose a threat to the public safety.

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

1. The attachments to Big Rivers' response to Staff's First Request, Item 5, for which Big Rivers 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. Pursuant to KRS 61.878, the materials for which Big Rivers requests confidential protection should not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of the Commission.

IT IS THEREFORE ORDERED that:

1. Big Rivers' petition for confidential protection for designated materials contained in its responses to Staff's First Request, Item 5, is granted.

2. The designated materials set forth in Big Rivers' responses to Staff's First Request, Item 5, shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of this Commission.

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

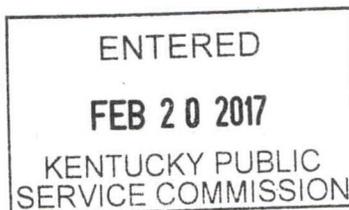
4. Big Rivers shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

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 expired, then Big Rivers 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 Big Rivers 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 requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Big Rivers to seek a remedy afforded by law.

By the Commission



ATTEST:


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