

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)	
CORPORATION FOR APPROVAL TO ISSUE)	CASE NO. 2014-00423
EVIDENCES OF INDEBTEDNESS)	

ORDER

On December 3, 2014, Big Rivers Electric Corporation (“Movant”) moved, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1), that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection. Big Rivers also tendered a motion to deviate from 807 KAR 5:001, Sections 7(1) and 13(2)(a)(3), from the requirement to file ten redacted copies in paper medium of the information. In support of its motion to deviate, Big Rivers states that the complete redacted filing is voluminous and in excess of 1000 pages. In lieu of ten copies in paper medium, Big Rivers provided ten copies on CDs in addition to one original in paper medium.

In support of its motion for confidential protection, Movant states that the information it is requesting to be held confidential is contained in Exhibit 5 to its application. The information is more particularly described as contractual provisions with Babcock Power Environmental Inc. (“BPEI”) including pricing terms, performance, and schedule guarantees.

Having carefully considered the motions 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) and 807 KAR 5:001, Section 13.

2. Pursuant to KRS 61.878, the material for which Movant 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.

3. In accordance with Commission precedent, the materials for which Movant seeks a deviation from filing ten copies in paper medium are sufficiently voluminous to justify a deviation from 807 KAR 5:001, Sections 7(1) and 13(2)(a)(3).¹

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection of exhibit 5 to its application is granted.

2. Pursuant to KRS 61.878, the information for which Movant requests confidential protection 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 the 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. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

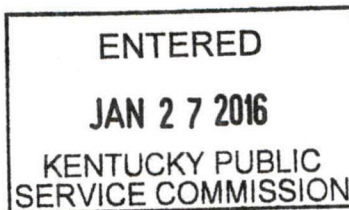
¹ See e.g., Case No. 2014-00455, *An Examination of the Application of the Fuel Adjustment Clause of Big Rivers Electric Corporation from November 1, 2012 through October 31, 2014* (Ky. PSC Apr. 30, 2015).

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, 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. 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 the Movant to seek a remedy afforded by law.

7. Movant's motion to deviate from filing ten redacted copies in paper medium of its application, pursuant to 807 KAR 5:001, Sections 7(1) and 13(2)(a)(3), is granted.

By the Commission



ATTEST:


Executive Director

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