

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC	)	
CORPORATION FOR APPROVAL TO ISSUE	)	CASE NO.
EVIDENCES OF INDEBTEDNESS	)	2017-00281

ORDER

On August 28, 2017, 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 designated material contained in Big Rivers’ response to Commission Staff’s First Request for Information (“Staff’s First Request”) for an indefinite period of time. The designated material for which confidential protection is requested is more specifically described as Big Rivers’ response to Staff’s First Request, Item 7, which contains indicative interest rates provided confidentially to Big Rivers by the National Rural Utilities Cooperative Finance Corporation (“CFC”), and Big Rivers’ response to Staff’s First Request, Item 10, which contains transmission system reliability studies.

In support of its request for confidential treatment for CFC’s indicative interest rates contained in Big Rivers’ response to Staff’s First Request, Item 7, Big Rivers states that CFC considers this information proprietary and confidential, that it has not given Big Rivers permission to publicly release the information. Big Rivers asserts that public disclosure of the proprietary third-party information would likely reduce the pool of suppliers, which could drive up the cost of credit to Big Rivers. Big Rivers further asserts that the designated material regarding CFC’s interest rates is generally recognized as

confidential or proprietary under KRS 61.878(1)(c)(1), and thus is exempt from public disclosure.

In support of its request for confidential treatment of the transmission reliability studies contained in Big Rivers' response to Staff's First Request, Item 10, Big Rivers asserts that the designated material is critical energy/electric infrastructure information that reveals potential vulnerabilities on Big Rivers' transmission System. Big Rivers contends that public disclosure of the designated material would have a reasonable likelihood of threatening public safety by revealing potential vulnerabilities in preventing or protecting against a terrorist act, and thus the designated material is entitled to confidential protection under KRS 61.878(1)(m)(1).

Having carefully considered the petition and the material at issue, the Commission finds that:

1. The designated material contained in Big Rivers' response to Staff's First Request, Item 7, is information generally recognized as confidential or proprietary, and its public disclosure could result in commercial harm to Big Rivers. The material therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

2. The designated material contained in Big Rivers' response to Staff's First Request, Item 10, qualifies as critical infrastructure information. The designated material therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(m)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Big Rivers' motion for confidential protection for its response to Staff's First Request, Items 7 and 10, is granted.

2. The designated material contained in Big Rivers' response to Staff's First Request, Items 7 and 10, shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

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

4. Big Rivers shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

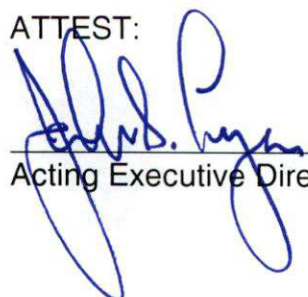
5. If a non-party to this proceeding requests to inspect material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not run, then Big Rivers shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Big Rivers is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

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

By the Commission

ENTERED  
SEP 14 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Acting Executive Director

Case No. 2017-00281

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