

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	
CLAUSE OF BIG RIVERS ELECTRIC)	CASE NO.
CORPORATION FROM MAY 1, 2017 THROUGH)	2018-00023
OCTOBER 31, 2017)	

ORDER

On March 2, 2018, Big Rivers Electric Corporation (“Big Rivers”) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of Responses 4 and 12 to the information requested in an Appendix to the Commission’s Order dated February 16, 2018.

Specifically, Big Rivers seeks confidential treatment of: (1) information about bids for fuel contracts and a bid tabulation sheet (“Response No. 4”); and, (2) information about Big Rivers’ ongoing off-system sales (Response No. 12).

As the basis for its request, Big Rivers states that public disclosure of Responses 4 and 12 could provide data that would give an unfair competitive advantage to direct competitors that could result in higher power production prices, which would increase prices to Big Rivers’ customers and harm Big Rivers’ ability to successfully compete in the electric wholesale market. Big Rivers states that public disclosure of the data, if it were to lead to higher power production prices, would also negatively affect Big Rivers’ creditworthiness. Big Rivers requests that that Responses 4 and 12 remain confidential indefinitely.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Responses 4 and 12 is generally recognized as confidential or proprietary, and 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.

IT IS THEREFORE ORDERED that:

1. Big Rivers' petition for confidential protection for Responses 4 and 12 is granted and the information shall not be placed in the public record or made available for public inspection until further Orders of this Commission.

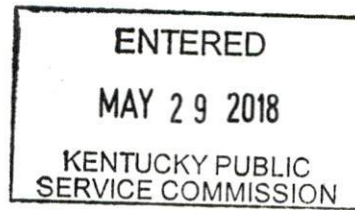
2. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

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

4. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has 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 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.

5. The Commission shall not make the material available for inspection for 20 days following an Order 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



ATTEST:


Executive Director

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