

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF BIG RIVERS ELECTRIC)	2020-00009
CORPORATION FROM MAY 1, 2019 THROUGH)	
OCTOBER 31, 2019)	

ORDER

On February 26, 2020, Big Rivers Electric Corporation (BREC) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection indefinitely to the identified portions of its response to Item 13 (Response 13) to the information requested in an Appendix to the Commission's Order dated February 11, 2020. The information for which BREC seeks confidential treatment is described as private usage information of individual retail customers.

BREC argues that publicly revealing the power usage of individual large industrial retail customers would constitute an unwarranted invasion of personal privacy under KRS 61.878(1)(a) because these customers are not parties to this proceeding.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Response 13 is exempted from public disclosure pursuant to KRS 61.878(1)(a).

IT IS THEREFORE ORDERED that:

1. BREC's petition for confidential protection for Response 13 is granted.

2. The identified information shall not be placed in the public record or made available for public inspection until further Order of this Commission.

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

4. BREC 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 the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, then BREC shall have 30 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 BREC 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 material available for inspection for 30 days following an Order that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

By the Commission

ENTERED
APR 13 2020 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2020-00009

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