

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)	2020-00250
CORPORATION FROM NOVEMBER 1, 2019)	
THROUGH APRIL 30, 2020)	

ORDER

On September 2, 2020, Big Rivers Electric Corporation (BREC) filed a motion pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to portions of BREC's Responses to the Commission's Order dated August 19, 2020. Specifically, BREC seeks confidential treatment for Responses to Requests No. 12 and No. 13 (i.e., Items 12 and 13 of BREC's responses) for five years.

In support of its motion, BREC asserts that its Responses consist of the terms of power purchases and off-system sales and private usage information of individual retail customers. BREC contends that its ability to compete in the wholesale power market (i.e., to obtain the maximum price for the power it sells and to keep its cost of production as low as possible) as a member of the Midcontinent Independent System Operator, Inc. would be adversely affected if BREC's Responses to Requests No. 12 and No. 13 were made public. BREC further contends that it competes for reasonably priced credit in the credit markets, and its ability to compete would be adversely impacted if its competitors

were afforded access to the proprietary and confidential information included in its Responses to Requests No. 12 and No. 13.

Having considered the motion and the material at issue, the Commission finds that the information contained in BREC's Responses to Requests No. 12 and No. 13 are generally recognized as confidential or proprietary; it 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. BREC's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. BREC shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty 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, 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 requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

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By the Commission



ATTEST:


Executive Director

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