

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)	CASE NO.
CORPORATION FOR APPROVAL TO ISSUE)	2012-00492
EVIDENCES OF INDEBTEDNESS)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On March 11, 2013, Big Rivers Electric Corporation (“Movant”) moved pursuant to 807 KAR 5:001, Section 13, that certain information filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its petition, Movant states that the information it is requesting to be held confidential is contained in Movant’s supplemental response to the post-hearing data request, Item No. 2. The response consists of portions of an attachment to Movant’s supplemental response titled “Corrective Plan to Achieve Two Credit Ratings of Investment Grade.” The attachment contains information concerning the terms of a loan that Movant was currently negotiating with National Rural Utilities Cooperative Finance Corporation and details of Movants’ activities to mitigate the loss of the smelter load, as well as details of proposals and negotiations that are subject to one or more confidentiality agreements.

Having carefully considered the petition and the materials at issue, the Commission finds that the information for which Movant seeks confidential treatment 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. The Commission

further finds that the materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for the period of time ending March 11, 2018.

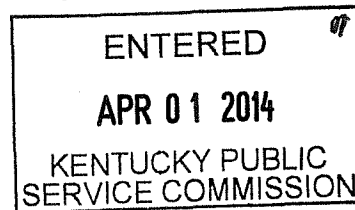
IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.
2. The information for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection for the period of time ending March 11, 2018, or until further Orders of this Commission. At the end of this period, the material shall be placed in the public record. The Movant may request that the material continue to be treated as confidential, but must demonstrate that the material still falls within the exclusions established in KRS 61.878.
3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the material in question after the end of the period set forth in ordering paragraph 2.
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
5. Movant shall inform the Commission if the information in question becomes publicly available or no longer qualifies for confidential treatment.

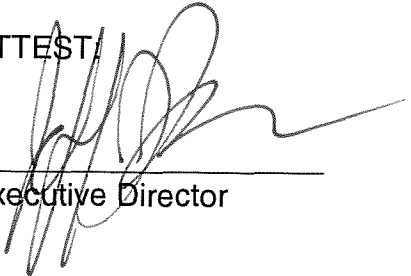
6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that 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.

7. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission



ATTEST/



Executive Director

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