

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS	)	
ELECTRIC CORPORATION FOR AN	)	CASE NO. 2012-00535
ADJUSTMENT OF RATES	)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On April 25, 2013, Big Rivers Electric Corporation ("Movant") filed a motion, pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the information it is requesting to be held confidential is contained in its responses to the discovery requests propounded by Ben Taylor and Sierra Club (collectively "Sierra Club"). The information is more particularly described as follows:

- Portions of the responses to the following Sierra Club's Initial Requests for Information: Item 7 (projected off-system sales of excess energy); Item 17 (projected off-system sales of excess energy); and Item 22 (projected production operating and maintenance and capital costs).
- Portions of the attachments to the following responses to Sierra Club's Initial Requests for Information: Item 10 (proprietary modeling provided by third party); Item 11 (proprietary modeling provided by third party); Item 19 (planned and uncompleted construction projects, budgeted costs and supporting information, and

sensitive testing data); Item 25 (projected capital expenditures, operating and maintenance costs, fuel costs, heat rates, capacity factors, and equivalent forced outage rates); and Item 29 (proprietary modeling from a third party).

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for a period of five years from the date of this Order.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.

2. The materials for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection for a period of five years from the date of this Order.

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

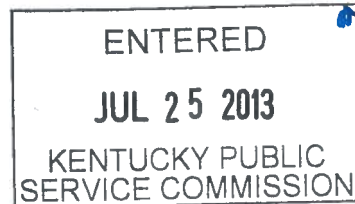
4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. 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, 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.

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

By the Commission



ATTEST:

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

Case No. 2012-00535

Mark A Bailey  
President CEO  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024

J. Christopher Hopgood  
Dorsey, King, Gray, Norment & Hopgood  
318 Second Street  
Henderson, KENTUCKY 42420

Honorable Thomas C Brite  
Attorney At Law  
Brite & Hopkins, PLLC  
83 Ballpark Road  
P.O. Box 309  
Hardinsburg, KENTUCKY 40143

Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

Joe Childers  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, KENTUCKY 40507

Burns E Mercer  
Manager  
Meade County R.E.C.C.  
P. O. Box 489  
Brandenburg, KY 40108-0489

Thomas J Cmar  
5042 North Leavitt Street, Suite 1  
Chicago, ILLINOIS 60625

Honorable James M Miller  
Attorney at Law  
Sullivan, Mountjoy, Stainback & Miller, PSC  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KENTUCKY 42302-0727

Liz D Edmondson  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, KENTUCKY 40507

G. Kelly Nuckols  
President & Ceo  
Jackson Purchase Energy Corporation  
2900 Irvin Cobb Drive  
P. O. Box 4030  
Paducah, KY 42002-4030

Shannon Fisk  
Earthjustice  
1617 JFK Boulevard, Suite 1675  
Philadelphia, PENNSYLVANIA 19103

Billie J Richert  
Vice President Accounting, Rates & CFO  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024

Jennifer B Hans  
Assistant Attorney General's Office  
1024 Capital Center Drive, Ste 200  
Frankfort, KENTUCKY 40601-8204

Melissa D Yates  
Attorney  
Denton & Keuler, LLP  
555 Jefferson Street  
P. O. Box 929  
Paducah, KENTUCKY 42002-0929