

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR A GENERAL ADJUSTMENT IN RATES SUPPORTED BY FULLY FORECASTED TEST PERIOD	)	CASE NO.
	)	2013-00199
	)	
	)	

ORDER

This matter arises on a petition filed on September 30, 2013, by Big Rivers Electric Corporation (BREC), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for an indefinite period for infrastructure items, and for five years for the remainder of the items.

In support of its petition filed on September 30, 2013, BREC states that public disclosure of the designated materials contained in its responses to the Attorney General's Second Request for Information, Item 2 contains critical energy infrastructure information is prohibited by KRS 61.878(1)(m), which exempts records containing critical energy infrastructure because disclosure would have a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act.

BREC further states that the designated materials contained in its responses to the Attorney General's Second Request for Information, Items 2, 7, 8, 9, 13–20, 28, 29, 31, 32, 34, 35, 36, 37, 43, 47, 53, 54, 57, 58, 59, 67, 74, 81, 83; Kentucky Industrial Utility Customers, Inc.'s (KIUC), Second Request for Information, Items 1, 3, 4, 9, 10, 11, 15, 17, 18, 20, 23, 25, 26, 36, 37, 42, 43, and 48; Sierra Club's Second Request for

Information, Items 7, 9, 10, 11, 15, 23, 25, 26, 29, 30, 31, and 32; and Commission Staff's Third Request for Information Items, 5, 8, and 9 would result in competitive injury because the responses contain projected costs and projected off-system sales.

Having considered the petitions and the materials at issue, the Commission finds as follows:

1. The designated materials regarding critical energy infrastructure information for which BREC requested confidential treatment for an indefinite period meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(m)(1).

2. The five-year period for confidential treatment has run for the remaining designated materials contained in BREC's responses to the Attorney General's, KIUC's, Sierra Club's, and Commission Staff's respective Requests for Information, and therefore confidential treatment for those designated materials is denied as moot.

IT IS THEREFORE ORDERED that:

1. BREC's September 30, 2013 petition for confidential treatment is granted in part and denied in part.

2. BREC's request for confidential treatment for the designated materials regarding critical energy infrastructure information is granted.

3. BREC's request for confidential treatment for the remaining designated materials contained in BREC's responses to the Attorney General's, KIUC's, Sierra Club's, and Commission Staff's respective Requests for Information is denied as moot.

4. The designated materials regarding critical energy infrastructure information shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

5. Use of the designated materials regarding critical energy infrastructure information in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

6. BREC shall inform the Commission if the designated materials regarding critical energy infrastructure information become publicly available or no longer qualify for confidential treatment.

7. If a non-party to this proceeding requests to inspect the designated materials regarding critical energy infrastructure information that were granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, BREC shall have 30 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 BREC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

8. The Commission shall not make the designated materials regarding critical energy infrastructure information available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow BREC to seek a remedy afforded by law.

9. Within 30 days of the date of this Order, BREC shall file revised pages reflecting as unredacted the designated materials contained in BREC's responses to the

Attorney General's, KIUC's, Sierra Club's, and Commission Staff's respective Requests for Information that have been denied confidential treatment.

10. The designated materials in contained in BREC's responses to the Attorney General's, KIUC's, Sierra Club's, and Commission Staff's respective Requests for Information for which confidential protection was denied shall not be placed in the public record for 30 days following the date of this Order to allow BREC to seek any remedy afforded by law.

11. The designated materials in contained in BREC's responses to the Attorney General's, KIUC's, Sierra Club's, and Commission Staff's respective Requests for Information shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

By the Commission

ENTERED  
JUN 18 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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