

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BIG RIVERS ELECTRIC CORPORATION            )  
FILING OF WHOLESALE CONTRACTS         ) CASE NO.  
PURSUANT TO KRS 278.180 AND KAR        ) 2014-00134  
5:011 §13                                        )

ORDER

On July 25, 2014, Big Rivers Electric Corporation (“Movant” or “Big Rivers”) filed a petition, pursuant to 807 KAR 5:001, Section 13, KRS 61.878(1)(c), and KRS 278.160(3), requesting that the Commission grant confidential protection for five years to portions of Movant’s Updated Responses to Kentucky Industrial Utility Customers, Inc.’s (“KIUC”) Initial Request for Information (“Initial Request”). Movant filed its updated responses to KIUC’s Initial Request along with the petition for confidentiality. The portions of the updated responses at issue in this petition contain projections of energy and capacity prices.

In support of its petition of confidential treatment, Movant argues that the designated information would permit an unfair commercial advantage to Movant’s competitors if it were publicly disclosed, thus is generally recognized as confidential, and is exempt from public disclosure pursuant to KRS 61.878(1)(c) and KRS 278.160(3). Movant further argues that public disclosure of the information sought to be protected would impair its ability to compete in the wholesale power market, which in turn would negatively impact its ability to attract reasonably priced credit in the credit markets.

Having carefully considered the petition for confidential treatment and the materials at issue, the Commission finds that the materials for which Movant seeks confidential treatment that are contained in Movant's Updated Responses to KIUC's Initial Request are records that are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to competitors, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, KRS 61.878(1)(c), and KRS 278.160(3).

IT IS THEREFORE ORDERED THAT:

1. Movant's motion for confidential protection is hereby granted.
2. The materials for which Movant's request for confidential treatment has been granted shall not be placed in the public record or made available for public inspection for a period of five years.
3. Use of the materials that were granted confidential treatment in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Movant shall inform the Commission if the materials granted confidential protection 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, 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.

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

By the Commission

ENTERED  
SEP 30 2014  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

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