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Skill. Integrity. Efficiency.

February 1, 2017

VIA FEDERAL EXPRESS

Dr. Talina R. Mathews
Executive Director
Public Service Commission
211 Sower Boulevard, P.O. Box 615
Frankfort, Kentucky 40602-0615

RECEIVED

FEB 2 2017

PUBLIC SERVICE
COMMISSION

Re: *In the Matter of: Application of Big Rivers
Electric Corporation for a Declaratory Order*
Case No. 2016-00278

Dear Dr. Mathews:

Enclosed for filing on behalf of Big Rivers Electric Corporation are an original and ten copies of a Petition for Confidential Treatment, and one sealed CONFIDENTIAL copy of the Deposition of Gary Quick, which is being filed pursuant to the Petition for Confidential Treatment.

I certify that on this date, a copy of this letter and a copy of the Petition were served on all persons listed on the attached service list by first-class mail.

Sincerely,

Tyson Kamuf
Counsel for Big Rivers Electric Corporation

TAK/abg

Enclosures

cc : Service List

Service List
PSC Case No. 2016-00278

Hon. John N. Hughes
Attorney at Law
124 West Todd Street
Frankfort, Kentucky 40601

Hon. H. Randall Redding
Hon. Sharon W. Farmer
KING, DEEP & BRANAMAN
127 North Main Street
Post Office Box 43
Henderson, Kentucky 42419-0043
*Attorneys for Henderson Utility
Commission d/b/a Henderson
Municipal Power & Light*

Hon. Dawn Kelsey, City Attorney
City of Henderson
222 First Street
Henderson, Kentucky 42420
Attorney for City of Henderson

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

FEB 2 2017
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC) CASE NO.
CORPORATION FOR A DECLARATORY ORDER) 2016-00278

**PETITION OF BIG RIVERS ELECTRIC CORPORATION FOR CONFIDENTIAL
PROTECTION**

1. Big Rivers Electric Corporation (“Big Rivers”) hereby petitions the Kentucky Public Service Commission (“Commission”), pursuant to 807 KAR 5:001 Section 13 and KRS 61.878, to grant confidential protection to the Deposition of Gary Quick that Big Rivers is filing with this petition as ordered by the Commission in its January 31, 2017, order.

2. The entirety of the deposition is being filed subject to this petition. As such, one (1) sealed copy of the deposition printed on yellow paper and marked “CONFIDENTIAL,” is being filed with this petition, and no redacted copies are being filed. 807 KAR 5:001 Sections 13(2)(a)(3).

3. A copy of this petition and a sealed copy of the deposition marked “CONFIDENTIAL” are being served on all parties to this proceeding. 807 KAR 5:001 Section 13(2)(b).

4. Although Big Rivers does not believe any information in the deposition is confidential, the deposition is subject to an “Agreed Protective Order” between Big Rivers and the City of Henderson, Kentucky, and City of Henderson Utility Commission d/b/a Henderson Municipal Power & Light (collectively, “Henderson”), and Henderson has not consented to the public disclosure of the deposition. Henderson should have the opportunity to assert whether the Confidential Information is entitled to confidential protection based upon KRS 61.878(1)(c)(1),

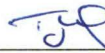
1 which protects “records confidentially disclosed to an agency or required by an agency to be
2 disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed
3 would permit an unfair commercial advantage to competitors of the entity that disclosed the
4 records.” KRS 61.878(1)(c)(1); 807 KAR 5:001 Section 13(2)(a)(1).

5 5. Since the deposition is subject to the Agreed Protective Order, Big Rivers
6 requests that the Commission grant confidential treatment to the entirety of the deposition
7 indefinitely or until Henderson consents to the public disclosure of all or portions of the
8 deposition. 807 KAR 5:001 Section 13(2)(a)(2).

9 WHEREFORE, Big Rivers respectfully requests that the Commission classify and protect
10 as confidential the Confidential Information.

11 On this the 1st day of February, 2017.

12 Respectfully submitted,

13 

14 _____
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28 Counsel for Big Rivers Electric Corporation