

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS	)	
ELECTRIC CORPORATION FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	CASE NO.
NECESSITY TO CONSTRUCT A 161 KV	)	2021-00275
TRANSMISSION LINE IN MCCRACKEN	)	
COUNTY, KENTUCKY	)	

ORDER

On October 29, 2021, Big Rivers Electric Corporation (BREC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, and KRS 278.160(3) requesting that the Commission grant confidential treatment for an indefinite period for portions of its responses to Items 1 and 6 of Commission Staff's First Request for Information (Staff's First Request). The material consists of the negotiated terms of a special contract between BREC's member-owner, Jackson Purchase Energy Corporation and Blockware Mining, LLC (Blockware).

In support of its motion, BREC argues that this information was granted confidential treatment in the Commission's October 14, 2021 Order in Case No. 2021-00282.<sup>1</sup>

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<sup>1</sup> Case No. 2021-00282, *Electronic Tariff Filing of Big Rivers Electric Corporation and Jackson Purchase Energy Corporation for Approval and Confidential Treatment of a Special Contract and Cost Analysis Information and a Request for Deviation from the Commission's September 24, 1990 [Order] in Administrative Case No. 327* (Ky. PSC Oct. 14, 2021) at 22.

Having considered the motion and the material at issue, and incorporating the reasoning put forth in our October 14, 2021 Order in Case No. 2021-00282<sup>2</sup> the Commission finds that the negotiated terms of the special contract between BREC's member-owner and Blockware contained in portions of BREC's responses to Staff's First Request, Items 1 and 6 is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, KRS 61.878(1)(a), KRS 61.878(1)(c), and KRS 278.160(3).

IT IS THEREFORE ORDERED that:

1. BREC's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. BREC shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, BREC shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions

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<sup>2</sup> *Id.* at 19–21.

from disclosure requirements established in KRS 61.878. If BREC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

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By the Commission

ENTERED  
JAN 18 2022 rCS  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2021-00275

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