

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC REVIEW OF THE ADEQUACY OF	)	ADMINISTRATIVE
KENTUCKY'S GENERATION CAPACITY AND	)	CASE NO. 387
TRANSMISSION SYSTEM	)	

ORDER

On February 28, 2023, Big Rivers Electric Corporation (BREC) filed a motion, pursuant to 807 KAR 5:001E, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years for designated material filed pursuant to a Commission's December 20, 2001 Order, which required jurisdictional electric utilities to file certain planning-related information on an annual basis. The designated material included projected capacity purchases, planned scheduled outages from 2023 through 2027, and planned transmission system additions from 2023 through 2032.

BREC requested confidential treatment under KRS 61.878(1)(c)(1), which protects information generally recognized as confidential or proprietary that, if publicly disclosed, would permit an unfair commercial advantage to competitors.

As a basis for the request, BREC argued that public disclosure of the designated material would permit an unfair commercial advantage because it could increase BREC's costs or decrease revenue by impacting the BREC's ability to obtain the maximum price for power it sells, ability to obtain the most favorable contract terms, and ability to keep

costs of production as low as possible. BREC also argued that public disclosure could adversely impact the price BREC pays for credit.

Having considered the motion and the designated material at issue, the Commission finds that the motion should be granted for the following reasons. Public disclosure of projected capacity purchases could result in commercial harm to BREC because other energy market participants would know BREC's demand level, which could adversely impact the cost of capacity purchases. Public disclosure of forecasted outage schedules could result in commercial harm to BREC because other energy market participants would know when BREC's need for purchased power would spike. Public disclosure of planned capacity projects could result in commercial disadvantage to BREC with contractors when these future construction projects are bid. The designated material is generally recognized as confidential or proprietary and would permit an unfair commercial advantage to competitors if publicly disclosed; it therefore meets the criteria for confidential treatment and is exempted from public disclosure for five years pursuant to 807 KAR 5:001E, Section 13, and KRS 61.878(1)(c)(1).

1. BREC's February 28, 2023 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 five years 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 5:001E, 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.

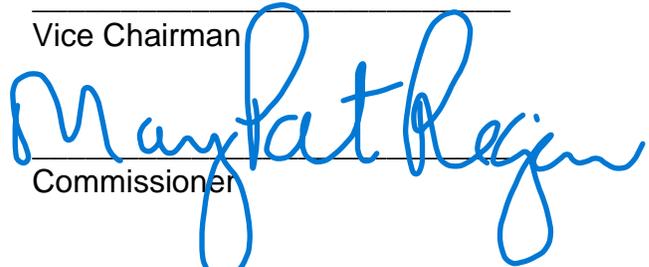
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, BREC shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions 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.

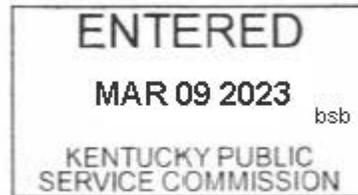
6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner



ATTEST:

  
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