

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC	)	CASE NO
CORPORATION FOR AN ADJUSTMENT OF	)	2012-00535
RATES	)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On February 28, 2013, Big Rivers Electric Corporation (“Movant”) moved pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the information it is requesting to be held confidential is contained in certain of its responses to the discovery requests of the Kentucky Industrial Utility Customers, Inc. (“KIUC”), the Office of the Attorney General (“AG”), and Commission Staff. In particular, Movant seeks confidential protection for the following information:

- Responses to KIUC’s First Request for Information, Items 1, 2, 3, 6, 7, 13, 36(f), 38, 39, and 42.
- Responses to AG’s Initial Request for Information, Items 7, 10, 17, 18, 25(g), 31, 34, 38, 39, 46, 50, 60, 62, 88, 89, 93, 94, 96, 97, 100, 101, 102, 103, 104, 105, 107, 109, 115, 116, 118, 119, 121, 131, 143, 150, 152, 154, 165, 166, 167, 171, 172, 186, 190, 212, 231, 233, 236, 239, 246(o), 249, 267, 275, and 278.

- Responses to Commission Staff's Second Request for Information, Items 4, 6, 9, 15, 18, 21, 23, 26, 34, 36, 37, and 39.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

2. With the exception of the information contained in Big Rivers responses to KIUC's First Request for Information, Item 36(f) and Big Rivers response to the AG's Initial Request for Information, Item 121, the materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for a period of five years from the date of the instant petition.

3. With respect to the information contained in Big Rivers' responses to KIUC Item 36(f) and AG Item 121, which concerned Big Rivers' system reliability and system mapping information, these materials that Movant is seeking confidential treatment should not be placed in the public record or made available for inspection indefinitely so long as the Big Rivers' transmission system remains in place.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.
2. The information contained in Big Rivers' responses to KIUC's First Request for Information, Item 36(f) and AG's Initial Request for Information, Item 121, shall not be placed in the record nor made available for public inspection until February 28, 2018. At the end of this period, the material shall be placed in the record. The

Movant may request the material continue to be treated as confidential but must demonstrate that the material still falls within the exclusions established in KRS 61.878.

3. The remainder of the materials for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection for an indefinite period so long as the Big Rivers' transmission system remains in place.

4. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

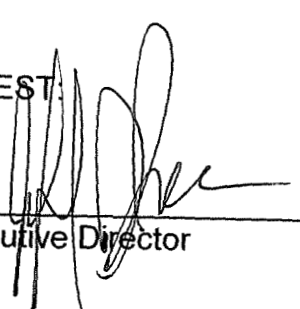
6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Commission shall notify the Movant in writing and direct Movant to demonstrate within 20 days of his receipt of the notice that the materials still fall within the exclusions from disclosure 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.

7. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment to allow Movant to seek a remedy afforded by law.

By the Commission

ENTERED  
APR 25 2013  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

Case No. 2012-00535

Mark A Bailey  
President CEO  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024

Burns E Mercer  
Manager  
Meade County R.E.C.C.  
P. O. Box 489  
Brandenburg, KY 40108-0489

Honorable Thomas C Brite  
Attorney At Law  
Brite & Hopkins, PLLC  
83 Ballpark Road  
P.O. Box 309  
Hardinsburg, KENTUCKY 40143

Honorable James M Miller  
Attorney at Law  
Sullivan, Mountjoy, Stainback & Miller, PSC  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KENTUCKY 42302-0727

David Brown  
Stites & Harbison, PLLC  
1800 Providian Center  
400 West Market Street  
Louisville, KENTUCKY 40202

G. Kelly Nuckols  
President & Ceo  
Jackson Purchase Energy Corporation  
2900 Irvin Cobb Drive  
P. O. Box 4030  
Paducah, KY 42002-4030

Joe Childers  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, KENTUCKY 40507

Billie J Richert  
Vice President Accounting, Rates & CFO  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024

Jennifer B Hans  
Assistant Attorney General's Office  
1024 Capital Center Drive, Ste 200  
Frankfort, KENTUCKY 40601-8204

Donald P Seberger  
Rio Tinto Alcan  
8770 West Bryn Mawr Avenue  
Chicago, ILLINOIS 60631

J. Christopher Hopgood  
Dorsey, King, Gray, Norment & Hopgood  
318 Second Street  
Henderson, KENTUCKY 42420

Melissa D Yates  
Attorney  
Denton & Keuler, LLP  
555 Jefferson Street  
P. O. Box 929  
Paducah, KENTUCKY 42002-0929

Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202