

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

This matter arises on petitions filed on January 28, 2014, and February 21, 2014, by Big Rivers Electric Corporation (BREC), pursuant to 807 KAR 5:001, Section 13, requesting that designated material filed with the Commission be afforded confidential protection.

In the January 28, 2014 petition, BREC requested confidential treatment for designated material in its response to the Joint Intervenors' Initial Rehearing Request for Information (Joint Intervenor's Initial Rehearing Request), Item 1, for an indefinite period, and for its response to Joint Intervenor's Initial Rehearing Request, Item 15, and for its response to Commission Staff's Initial Rehearing Request for Information (Staff's Initial Rehearing Request), Items 1 and 4, for five years. As a basis for its request, BREC explained that the designated material in its response to Joint Intervenors' Rehearing Request, Item 1, consist of transmission system information for which public disclosure is prohibited pursuant to KRS 61.878(1)(m). BREC further explained that the designed material in its response to Joint Intervenors' Rehearing Request, Item 15 contains detailed customer billing information for which public disclosure is prohibited pursuant to KRS 61.878(1)(a). Finally, BREC explained that its response to Staff's Initial Rehearing Request, Items 1

and 4, consists of projected financial data that would result in competitive injury if publicly disclosed, and thus is deemed confidential pursuant to KRS 61.878(1)(c)(1).

In the February 21, 2014 petition, BREC requested confidential treatment for portions of its response to Joint Intervenors' Supplemental Rehearing Request for Information (Joint Intervenor's Supplemental Rehearing Request), Items 6, 7, and 8, for an indefinite period because the designated material contains information regarding BREC's transmission system and thus is deemed confidential pursuant to KRS 61.878(1)(m). BREC also requested confidential treatment for portions of its response to Joint Intervenors' Supplemental Rehearing Request, Item 8, for five years because the designated material contains information identifying specific employee positions projected to be eliminated in the event of certain business developments, and thus is deemed confidential pursuant to KRS 61.878(1)(a). Finally, BREC requested confidential treatment for portions of its response to Joint Intervenors' Supplemental Rehearing Request, Items 1, 4, and 8, for five years because the designated material contains projected expenses and employee positions projected to be eliminated in the event of certain business developments, and thus is deemed confidential pursuant to KRS 61.878(1)(c)(1).

Having considered the petition and the material at issue, the Commission finds that:

1. The designated material regarding BREC's transmission system contained in BREC's response to Joint Intervenor's Initial Rehearing Request, Item 1, as described in the January 28, 2014 petition, and BREC's response to Joint Intervenor's Supplemental Rehearing Request, Items 6, 7, and 8, as described in the February 21, 2014 petitions

meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(m).

2. The five years for which confidential treatment was requested for the remaining designated material in BREC's January 28, 2014 and February 21, 2014 petition has run, and therefore the request is denied as moot.

IT IS THEREFORE ORDERED that:

1. BREC's January 28, 2014 petition for confidential protection is granted in part and denied in part.

2. BREC's February 21, 2014 petition for confidential protection is granted in part and denied in part.

3. BREC's request for confidential treatment of designated portions of the January 28, 2014 petition for an indefinite period is granted.

4. BREC's request for confidential treatment of designated portions of the January 28, 2014 petition for five years is denied as moot.

5. BREC's request for confidential treatment of designated portions of the February 21, 2014 petition for an indefinite period is granted.

6. BREC's request for confidential treatment of designated portions of the February 21, 2014 petition for five years is denied as moot.

7. The designated materials in BREC's January 28, 2014 and February 21, 2014 petitions for which confidentiality was granted shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

8. Use of the designated materials for which confidentiality was granted in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

9. BREC shall inform the Commission if the designated material for which confidentiality was granted become publicly available or no longer qualify for confidential treatment.

10. If a non-party to this proceeding requests to inspect the designated 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 fall 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.

11. The Commission shall not make the designated material for which confidentiality was granted available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow BREC to seek a remedy afforded by law.

12. Within 30 days of the date of this Order, BREC shall file revised pages reflecting as unredacted the designated material that has been denied confidential treatment.

13. The designated material for which confidential protection was denied shall not be placed in the public record for 30 days following the date of this Order to allow BREC to seek any remedy afforded by law.

By the Commission

ENTERED  
AUG 26 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2012-00535

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