

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC	)	
CORPORATION FOR TERMINATION OF	)	CASE NO.
CONTRACTS AND A DECLARATORY ORDER AND	)	2018-00146
FOR AUTHORITY TO ESTABLISH A	)	
REGULATORY ASSET	)	

ORDER

On September 26, 2018, Big Rivers Electric Corporation (BREC) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for five years for the information contained in the Supplemental Direct Testimony of Robert W. Berry (Berry Supplemental Testimony). BREC states that the information sought to kept confidential contains sensitive internal, strategic information taken from financial forecast model runs analyzing the financial implications of BREC exiting the Station Two contracts and BREC's projected revenue requirement. BREC contends that the Commission has consistently recognized that such internal strategic planning information and related materials are entitled to confidential treatment because such information relates to the company's economic status and business strategies.

Having considered the petition and the material at issue, the Commission finds that the information contained in the Berry Supplemental Testimony is generally recognized as confidential or proprietary; the information, therefore, meets the criteria for confidential

treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. BREC's petition for confidential protection for certain information contained in the Berry Supplemental Testimony, as described herein, is granted.

2. The designated information contained in the Berry Supplemental Testimony 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 material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. BREC shall inform the Commission if the materials in question become publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, BREC shall have 20 days from receipt of written notice of the request to demonstrate that the materials 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.

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

By the Commission

ENTERED  
JAN 15 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

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

\*Big Rivers Electric Corporation  
201 Third Street  
P. O. Box 24  
Henderson, KY 42420

\*Justin M. McNeil  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Thomas J Costakis  
Krieg DeVault LLP  
One Indiana Square  
Suite 2800  
Indianapolis, INDIANA 46204

\*Honorable Kurt J Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Norman T Funk  
Krieg DeVault LLP  
One Indiana Square  
Suite 2800  
Indianapolis, INDIANA 46204

\*Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Tyson Kamuf  
Corporate Attorney  
Big Rivers Electric Corporation  
201 Third Street  
P. O. Box 24  
Henderson, KY 42420

\*Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

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