

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 NECESSITY AUTHORIZING THE	)	CASE NO.
CONVERSION OF THE GREEN STATION	)	2021-00079
UNITS TO NATURAL GAS-FIRED UNITS AND	)	
AN ORDER APPROVING THE	)	
ESTABLISHMENT OF A REGULATORY ASSET	)	

ORDER

On May 10, 2021, Big Rivers Electric Corporation (BREC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years designated material in BREC's response to Commission Staff's Third Request for Information (Staff's Third Request), Items 1 and 5, which consist of projected financial data, including fuel costs, operating and maintenance costs, and energy and capacity price projections. BREC noted that its response to Staff's Third Request, Item 1, includes designated material that was previously filed in the case record and was granted confidential treatment in a March 5, 2021 Order.

In support of its motion, BREC asserted that public disclosure of the cost and price projections would result in commercial injury to BREC by hindering BREC's ability to negotiate the maximum price of power sold and to keep the cost of production as low as possible.

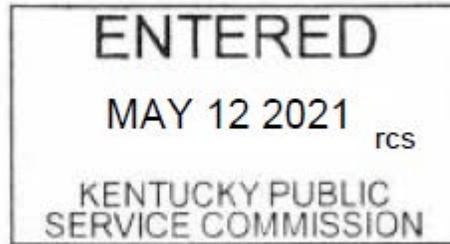
Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary; it therefore

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

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 a period of 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 5:001, 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 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.

By the Commission



ATTEST:

  
Executive Director

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