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February 27, 2017

VIA FEDERAL EXPRESS

Dr. Talina R. Mathews  
Executive Director  
Public Service Commission  
211 Sower Boulevard, P.O. Box 615  
Frankfort, Kentucky 40602-0615

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FEB 28 2017

PUBLIC SERVICE  
COMMISSION

Re: *Filing of Agreement for the Purchase and Sale of Firm Capacity and Energy between Big Rivers Electric Corporation and the Kentucky Municipal Energy Agency, Case No. 2016-00306*

Dear Dr. Mathews:

On August 5, 2016, Big Rivers Electric Corporation (“Big Rivers”) filed with the Kentucky Public Service Commission (“Commission”) an Agreement for the Purchase and Sale of Firm Capacity and Energy between itself and Kentucky Municipal Energy Agency (the “PPA”), along with a document entitled “Summary of KyMEA Agreement” (hereinafter, the “Summary”). Both the PPA and the Summary contained confidential information that was filed under a petition for confidential treatment. That petition is pending.

Big Rivers has recently discovered that the following information in the PPA for which Big Rivers sought confidential treatment in the August 5 filing has been publicly disclosed:

- In the Table of Contents, the section headings for Sections 2.2, 3.6, 4.3, and 7.4;
- In Section 1.1, the definition of “Clean Power Plan”;
- In Section 1.1, the “16%” amount in the definition of “Planning Reserve Capacity”;
- In Section 2.2, the heading;

- In Section 3.6(a), the language “Buyer may elect to reduce the Contract Capacity to an amount specified in the notice”;
- In Section 3.6, the heading and the entirety of subsection b;
- In Section 4.2, the “100 MW” amount;
- The entirety of Section 4.3 except for the phrase at the end of the sentence following the language “any change in operations of the Facility,”;
- In Section 5.2, the entirety of subsection c; and
- From the beginning of Section 7.4 through the language “Seller will propose modifications” on the twelfth line of that section.

Some of the same information appears in the Summary, and thus, the following information in the Summary for which Big Rivers sought confidential treatment in the August 5 filing has also been publicly disclosed:

- The “100 MW” amount on page 1, line 9 and page 3, line 21;
- The language “subject to a ten-year extension” beginning on page 2, line 6;
- The entirety of the sentence on page 1, lines 17-19; and
- The entirety of the sentence that begins on page 3, line 7, except for the name of the plant.

Additionally, information related to the information identified above appears in Big Rivers’ responses to Item 1 of the Commission Staff’s First Request for Information (“PSC 1-1”) and Item 5 of Kentucky Industrial Utility Customers, Inc.’s First Request for Information (“KIUC 1-5”), which responses Big Rivers filed with the Commission under a petition for confidential treatment on October 6, 2016. That petition is also pending. The information in Big Rivers’ response to PSC 1-1 that was originally marked confidential but which has been publicly disclosed is the “100 MW” amount on page 2, line 1 of that response. The entirety of the information in Big Rivers’ response to KIUC 1-5 is no longer confidential.

The information identified above that has been publicly disclosed no longer qualifies for confidential protection, and Big Rivers hereby withdraws its request that the Commission grant confidential treatment for that information. Big Rivers still requests confidential treatment of the remaining information identified as confidential in the August 5 and October 6 filings.

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I certify that on this date, a copy of this letter was served on all person listed on the attached service list by first class mail. Please contact me if you have any questions.

Sincerely,



Tyson Kamuf  
Counsel for Big Rivers Electric Corporation

TAK/abg

Enclosures

cc : Service List  
Mark Eacret

Service List  
Case No. 2016-00306

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