

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|---------------------------------------|---|---------------------|
| THE APPLICATIONS OF BIG RIVERS |) | |
| ELECTRIC CORPORATION FOR: |) | |
| (I) APPROVAL OF WHOLESALE TARIFF |) | |
| ADDITIONS FOR BIG RIVERS ELECTRIC |) | |
| CORPORATION, (II) APPROVAL OF |) | |
| TRANSACTIONS, (III) APPROVAL TO ISSUE |) | CASE NO. 2007-00455 |
| EVIDENCES OF INDEBTEDNESS, AND |) | |
| (IV) APPROVAL OF AMENDMENTS TO |) | |
| CONTRACTS; AND OF E.ON U.S., LLC, |) | |
| WESTERN KENTUCKY ENERGY CORP., |) | |
| AND LG&E ENERGY MARKETING, INC. |) | |
| FOR APPROVAL OF TRANSACTIONS |) | |

O R D E R

On July 8, 2008, Big Rivers Electric Corporation (“Big Rivers”) filed a motion, which the Commission will treat as an application under KRS 278.400, requesting rehearing of the two Commission letter rulings, both dated June 17, 2008, denying two petitions for confidential protection of the terms of certain documents. More specifically, in one of the June 17, 2008 rulings, the Commission denied confidential protection to certain terms of two revolving line-of-credit agreements, each between Big Rivers and a financial institution, and to a one-page summary of the significant terms of each line-of-credit agreement. The other letter ruling denied confidential protection to a proposed letter agreement between Big Rivers and Bank of America Leasing Corporation (“Lease Termination Agreement”) regarding the termination of two leveraged lease transactions,

and to a description of the terms of that Lease Termination Agreement which is contained in the supplemental testimony of C. William Blackburn.

In its motion, Big Rivers argues that both of the decisions to deny confidential protection were based upon mistaken assumptions of fact, as well as misinterpretations of the exemptions under the Open Records Law, KRS 61.878. For its relief, Big Rivers requests that the Commission either now grant its two petitions for confidentiality or grant rehearing and provide an evidentiary hearing on both petitions. Alternatively, with respect to the Lease Termination Agreement, Big Rivers requests authorization to withdraw that agreement and the summary thereof on the grounds that the information contained therein is no longer material to any approvals requested in this case.

Based on the unopposed motion and being otherwise sufficiently advised, the Commission finds good cause to grant rehearing of the two letter rulings dated June 17, 2008 denying confidential protection to certain terms in the documents described herein. The Commission further finds that an evidentiary hearing on both of the underlying petitions for confidentiality should be held in conjunction with the evidentiary hearing on the merits of the pending application. That hearing will be scheduled at a future date. Finally, the affidavit of C. William Blackburn, which was attached to and filed in support of Big Rivers' motion for rehearing, will be accepted as prepared direct testimony in support of the petitions for confidentiality.

IT IS THEREFORE ORDERED that Big Rivers' motion for rehearing is granted and an evidentiary hearing on the confidentiality issues raised therein shall be


scheduled at a future date in conjunction with the evidentiary hearing on the merits of the pending application.

Done at Frankfort, Kentucky, this 22nd day of July, 2008.

By the Commission

Chairman Armstrong abstains.

ATTEST:


Executive Director *for Stephanie Stumbo*
by permission