

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS	)	
ELECTRIC CORPORATION FOR ANNUAL	)	CASE NO.
REVIEW OF ITS MRSM CHARGE FOR	)	2025-00021
CALENDAR YEAR 2024	)	

ORDER

On February 28, 2025 and April 8, 2025, Big Rivers Electric Corporation (BREC) filed motions, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for certain information contained in the Application as well as in its response to Commission Staff's First Request for Information (Staff's First Request), Item 1, Exhibit Matthews-2.

February 28, 2025 Motion

In support of its motion, BREC argued that the customer specific usage data and billing information, contained in the Direct Testimony of Talina Mathews, Exhibit B of the Application should be confidential pursuant to KRS 61.878(1)(a) and KRS 61.878(1)(c)(1).¹ BREC argued that, because the customer is not a party to the proceeding, publicly revealing such information would constitute an unwarranted invasion of personal privacy.² BREC noted the Commission had previously granted this

¹ Motion of BREC for Confidential Treatment (Feb. 28, 2025 Motion) (filed Feb. 28, 2025) at 1–2.

² Feb. 28, 2025 Motion at 3.

information confidential treatment.³ BREC also argued that it operates in competitive markets, that the information is generally recognized and confidential or proprietary, and that public disclosure would permit an unfair commercial advantage to BREC's competitors.⁴

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary, the release of which would permit an unfair commercial advantage. Additionally, disclosure of specific customer information would be an unwarranted invasion of privacy as contemplated by KRS 61.878(1)(a). Therefore, the records meet the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a) and KRS 61.878(1)(c)(1).

April 8, 2025 Motion

In support of its motion, BREC argued that customer specific usage data and billing information and negotiated terms of special contracts provided in its response to Staff's First Request, Item 1, Exhibit Matthews-2; should be confidential pursuant to KRS 61.878(1)(a) and KRS 61.878(1)(c)(1).⁵ BREC argued that because the customer is not a party to the proceeding, publicly revealing such information would constitute an unwarranted invasion of personal privacy.⁶ BREC cited that the Commission had

³ Feb. 28, 2025 Motion at 3 citing Case No. 2021-00061, *In the Matter of: Electronic Application of Big River Application for Annual Review of its MRSM Charge for Calendar Year 2020* (Ky. PSC March 9, 2021), Order.

⁴ Feb. 28, 2025 Motion at 4.

⁵ Motion of BREC for Confidential Treatment (April 8, 2025 Motion) (filed April 8, 2025) at 1-2.

⁶ April 8, 2025 Motion at 3.

previously granted this information confidential treatment.⁷ BREC also argued that it operates in competitive markets, that the information is generally recognized and confidential or propriety, and that public disclosure would permit an unfair commercial advantage to BREC's competitors.⁸

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 should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 (1)(a) and KRS 61.878(1)(c)(1). Disclosure of specific customer information would be an unwarranted invasion of privacy. In addition, disclosure of this information may result in unfairly disadvantaging BREC in the marketplace.

IT IS THEREFORE ORDERED that:

1. BREC's February 28, 2025 motion for confidential treatment is granted.
2. BREC's April 8, 2025 motion for confidential treatment is granted.
3. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further order of this Commission.
4. 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).
5. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, BREC shall

⁷ April 8, 2025 Motion at 3, citing Case No. 2021-00061, March 9, 2021, Order.

⁸ April 8, 2025 Motion at 5.

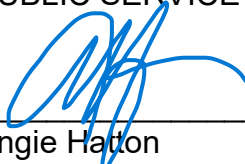
inform the Commission and file with the Commission an unredacted copy of the designated material.

6. 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 20 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.

7. 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.

Entered on this 1st day of September, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Justin McNeil
Executive Director

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