

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW OF THE ADEQUACY OF KENTUCKY'S) ADMINISTRATIVE
GENERATION CAPACITY AND TRANSMISSION) CASE NO. 387
SYSTEM)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On April 30, 2012, Big Rivers Electric Corporation ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the information it is requesting to be held confidential is contained in its Supplemental Response to the Commission's Order, Item No. 11. The information is more particularly described as supplemental information to Big Rivers' annual Financial and Statistical Report containing a list of scheduled outages from 2012 through 2016 at Big Rivers' generating stations and the duration of each scheduled outage.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection until January 1, 2019,

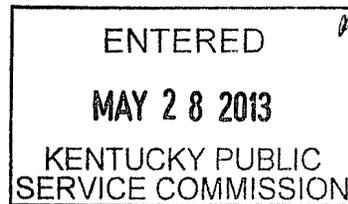
that being a period of two years from the date of the last scheduled outage in 2016, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby granted.
2. The materials for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection until January 1, 2019. At the end of this period, the materials shall be placed in the public record. The Movant may request that the materials continue to be treated as confidential, but must demonstrate that the materials still fall within the exclusions established in KRS 61.878.
3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the materials are afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the materials in question after the end of the period set forth in ordering paragraph 2.
4. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant 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 Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission



ATTEST:

A handwritten signature in black ink, appearing to be "M. R. ...", written over a horizontal line. Below the line, the text "Executive Director" is printed.

Executive Director

Winfrey P Blackburn, Jr.
Hertz Starks Building LLC
455 South Fourth St., Ste 230
Louisville, KENTUCKY 40202-2507

James B Gainer
VP, Federal Energy Policy
Duke Energy
P.O. Box 1006
526 S. Church Street
Charlotte, NORTH CAROLINA 28201-1006

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

Honorable David F Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

Honorable Dennis G Howard II
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

Stanley K Conn
Director of Power Production
Owensboro Municipal Utilities
2070 Tamarack Road
P.O. Box 806
Owensboro, KENTUCKY 42301

Honorable John N Hughes
Attorney at Law
124 West Todd Street
Frankfort, KENTUCKY 40601

Honorable Patrick D Pace
Kamuf, Yewell & Pace
221 West Second Street
Owensboro, KENTUCKY 42303

Honorable John H Conway
Attorney at Law
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
8th Floor, West Tower
Washington, DISTRICT OF COLUMBIA 20007

Honorable William H Jones, Jr.
Attorney at Law
VanAntwerp, Monge, Jones & Edwards
1544 Winchester Avenue, 5th Floor
P. O. Box 1111
Ashland, KENTUCKY 41105-1111

Honorable Michael J Pahutski
Attorney at Law
Duke Energy Kentucky, Inc.
139 East 4th Street, R. 25 At II
P. O. Box 960
Cincinnati, OH 45201

Michael H Core
President and CEO
Big Rivers Electric Corporation
201 Third Street
Henderson, KY 42419-0024

Honorable Frank N King, Jr.
Attorney at Law
Dorsey, King, Gray, Norment & Hopgood
318 Second Street
Henderson, KENTUCKY 42420

Roy M Palk
President/CEO
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

Honorable Kevin F Duffy
Attorney at Law
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216

Honorable Charles A Lile
Senior Corporate Counsel
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

Honorable Linda S Portasik
Senior Corporate Attorney
Kentucky Utilities Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202

Honorable John J Finnigan, Jr.
Senior Counsel
The Union Light, Heat and Power Company
139 East Fourth Street
Cincinnati, OH 45202

Mr. Robert L Madison
5407 Baywood Drive
Louisville, KENTUCKY 40241-1318

Honorable Allyson K Sturgeon
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

Honorable Richard S Taylor
Attorney at Law
Capital Link Consultants
225 Capital Avenue
Frankfort, KENTUCKY 40601

Errol K Wagner
Director Regulatory Services
Kentucky Power Company
101 A Enterprise Drive
P. O. Box 5190
Frankfort, KY 40602

John Wolfram
Manager, Regulatory Policy/Strategy
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202

Albert Yockey
Vice President Government Relations
Big Rivers Electric Corporation
201 Third Street
Henderson, KY 42419-0024