

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVER ELECTRIC)
CORPORATION FOR APPROVAL TO) CASE NO. 2013-00125
ISSUE EVIDENCES OF INDEBTEDNESS)

ORDER

On May 14, 2013, Big Rivers Electric Corporation ("Big Rivers") filed a petition, pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed with the Commission be afforded confidential treatment and that such information not be placed in the public record subject to public inspection.

Specifically, Big Rivers requests confidential treatment to certain portions of the attachments that Big Rivers included in its responses to Kentucky Industrial Utility Customers, Inc.'s ("KIUC") First Set of Data Requests, Items 2, 6, and 15. The information sought to be kept confidential in KIUC's Item 2 relates to Big Rivers' plan to regain investment grade credit ratings, details of the company's ongoing efforts to mitigate the loss of the smelter load, and portions of a presentation to the Rural Utility Services ("RUS") about planned outages, projected off-system sales information, and projected operating and maintenance ("O&M") costs. KIUC's Item 6 includes forecasted information about Big Rivers' projected off-system sales and projected O&M costs, which include forecasted fuel costs. KIUC's Item 15 contains a presentation to RUS and consists of projected off-system sales data and projected O&M costs.

Big Rivers argues, among other things, that public disclosure of the information listed above would have serious adverse consequences to Big Rivers and would

impose an unfair commercial disadvantage on Big Rivers. Big Rivers further argues that the information at issue is not publicly available, is not disseminated within Big Rivers except to those employees and professionals with a legitimate business need to know and act upon the information, and is not disseminated to others without a legitimate need to know and act upon the information.

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

1. The materials for which Big Rivers 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 Big Rivers seeks confidential treatment should not be placed in the public record or made available for public inspection for a period of five years from the date of the instant petition.

IT IS THEREFORE ORDERED that:

1. Big Rivers' petition for confidential protection is hereby granted.

2. The materials for which Big Rivers seeks confidential treatment shall not be placed in the public record nor made available for public inspection until May 14, 2018. At the end of this period, the material shall be placed in the record. Big Rivers may request that the material continue to be treated as confidential, but must demonstrate that the material still falls within the exclusions established in KRS 61.878.

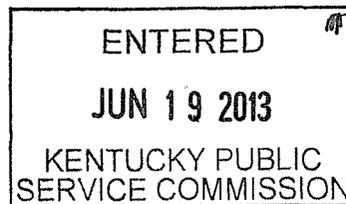
3. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

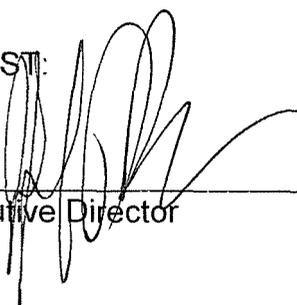
4. Big Rivers shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Commission shall notify Big Rivers in writing and direct Big Rivers to demonstrate within 20 days of its receipt of the notice that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Big Rivers is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Big Rivers to seek a remedy afforded by law.

By the Commission



ATTEST:


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