

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)
CORPORATION FOR A GENERAL)
ADJUSTMENT IN RATES SUPPORTED BY) CASE NO. 2013-00199
FULLY FORECASTED TEST PERIOD)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On June 28, 2013, 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 petition, Movant states that the information it is requesting to be held confidential is contained in attachments to its application. The information is more particularly described as portions of Tab Nos. 16, 22, 24, 26, 27, 28, 46, 52 and 54; portions of Direct Testimony of Robert Berry (Tab 63), and Exhibits Berry 1 and 2; portions of Direct Testimony of Christopher Warren (Tab 69), and Exhibits Warren 2 and 3; and portions of Direct Testimony of John Wolfram (Tab 70), and Exhibits Wolfram 3 and 4. The information sought to be treated confidential contains forecasted expenses, projected generation levels, construction budgets, outage schedules, projected transmission revenues, and projected off-system sales. Having carefully considered the petition 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)(1) 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 for a period of five years from the date of this Order.

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 for a period of five years from the date of this Order, or until further Orders of this Commission. At the end of this period, the material shall be placed in the public record. The Movant 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. 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 material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the material in question after the end of the period set forth in ordering paragraph 2.

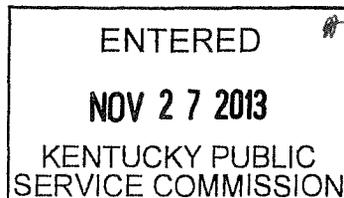
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

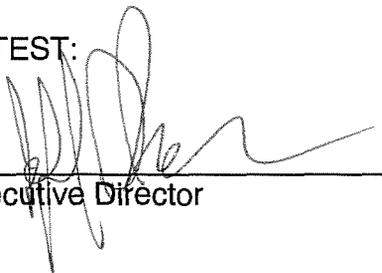
6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that 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.

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

By the Commission



ATTEST:



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