



1 otherwise, Big Rivers will notify the Commission and have its confidential status  
2 removed. 807 KAR 5:001 Section 13(10)(b).

3 5. As discussed below, the Confidential Information is entitled to  
4 confidential treatment based upon KRS 61.878(1)(a). 807 KAR 5:001 Section  
5 13(2)(a)(1).

6 **I. The Confidential Information is Entitled to Confidential**  
7 **Treatment under KRS 61.878(1)(a)**

8 6. KRS 61.878(1)(a) protects “[p]ublic records containing information of a  
9 personal nature where the public disclosure thereof would constitute a clearly  
10 unwarranted invasion of personal privacy.”

11 7. The attachment to Big Rivers’ response to Item 13 reveals the power  
12 usage of individual large industrial retail customers on the Big Rivers system.  
13 Because these customers are not parties to this proceeding, publicly revealing such  
14 information would constitute a clearly unwarranted invasion of personal privacy.  
15 Moreover, the Commission has previously granted confidential treatment to similar  
16 retail customer usage information. *See, e.g., In the Matter of: Sanctuary Church v.*  
17 *Louisville Gas and Electric Company*, Order, P.S.C. Case No. 2018-00181 (Jan. 8,  
18 2019) (granting confidential treatment pursuant to KRS 61.878(1)(a) for an  
19 indefinite period to a retail customer’s account and usage information); *In the*  
20 *Matter of: Application of Kentucky Utilities Company for an Adjustment of its*  
21 *Electric Rates*, Order, P.S.C. Case No. 2012-00221 (July 25, 2013) (holding customer  
22 names, account numbers, and usage information exempt from disclosure under KRS

1 61.878(1)(a)). As such, Big Rivers requests confidential treatment for the identity of  
2 these customers in order to protect their private usage information.

3 **II. Time Period**

4 8. Big Rivers requests that the Confidential Information remain  
5 confidentiality indefinitely so as to protect private customer usage information. 807  
6 KAR 5:001 Section 13(2)(a)(2).

7 **III. Conclusion**

8 9. Based on the foregoing, the Confidential Information is entitled to  
9 confidential treatment.

10 WHEREFORE, Big Rivers respectfully requests that the Commission classify  
11 and protect as confidential the Confidential Information.

12 On this the 25<sup>h</sup> day of February, 2020

13 Respectfully submitted,

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