

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,

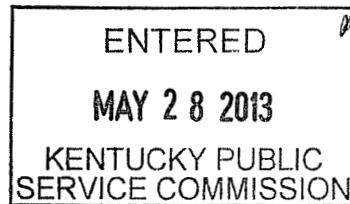
that being a period of two years from the date of the last scheduled outage in 2016, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

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 is the text "Executive Director".

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