



Steven L. Beshear
Governor

Leonard K. Peters
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

December 20, 2011

Sullivan, Mountjoy, Stainback & Miller
Attention: Tyson Kamuf
100 St. Ann Street
P.O. Box 727
Owensboro, Kentucky 42302-0727

Re: Big Rivers Electric Corporation
Petition for Confidential Treatment received 4/15/11
PSC Reference – Case No. 2011-00036

Dear Mr. Kamuf:

The Public Service Commission has received the Petition for Confidential Treatment you filed on April 15, 2011 on behalf of Big Rivers Electric Corporation, ("Big Rivers") to protect certain information filed with the Commission as confidential pursuant to Section 7 of 807 KAR 5:001 and KRS 61.870. The information you seek to have treated as confidential is identified as portions of Responses to Commission Staff's 2nd Data Request, Item No. 16 regarding planned outages; Attorney General's Data Request, Item Nos. 19 and 35 regarding executive officer compensation; KIUC Data Request, Item Nos. 43-46, 65, 112, 121, 129 and 132 regarding multi-year financial forecast model; financial budgets; projections of monthly MISO prices; off-system sales and prices; fuel cost projections; monthly billing and settlement invoices from Midwest ISO.

Your justification for having the Commission handle this material as confidential is that the public disclosure of the information would compromise Big Rivers' competitive position in the industry, which would result in an unfair commercial advantage to Big Rivers' competitors, and public disclosure of personal information would result in an unwarranted invasion of personal privacy.

Based on a review of the information and pursuant to KRS 61.878 and 807 KAR 5:001, Section 7, the Commission has determined as follows:

- (1) **Responses to AG D.R. 1-19, AG D.R. 1-35 and KIUC D.R. 1-121** regarding executive compensation

do not meet the criteria for confidential protection and are therefore **DENIED**. The Commission previously addressed the matter of executive compensation in its letter dated April 21, 2011 in response to your Petition for Confidential Treatment filed March 18, 2011, and reiterates its previous determination of denial.

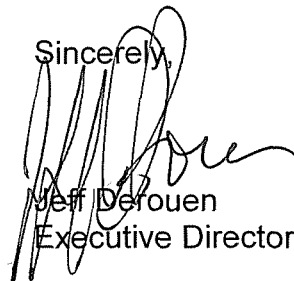
- (2) **Responses to PSC D.R. 2-16; KIUC D.R. 43-46, 65, 112, 129 and 132** regarding multi-year financial forecast model; financial budgets; projections of monthly MISO prices; off-system sales and prices; fuel cost projections; monthly billing and settlement invoices from Midwest ISO meet the criteria for confidential protection and therefore confidentiality is **GRANTED**.

The information listed above that has been granted confidential protection will be maintained as a nonpublic part of the Commission's file in this case. The procedure for usage of confidential materials during formal proceedings may be found at Section 7(8) of 807 KAR 5:001.

If the information becomes publicly available or no longer warrants confidential treatment, Big Rivers Electric Corporation ("Big Rivers") is required by Section 8(9)(a) of 807 KAR 5:001 to inform the Commission so that the information may be placed in the public record.

The information denied confidentiality will be withheld from public inspection for 20 days from the date of this letter. If you disagree with the Commission's decision, you may seek rehearing with the Commission within 20 days of the date of this letter under the provisions of KRS 278.400

Sincerely,



Jeff Derouen
Executive Director

kg/

cc: Parties of Record