



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

February 29, 2012

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 2/16/12  
PSC Reference – Case No. 2011-00487

Dear Mr. Kamuf:

The Public Service Commission has received the Petition for Confidential Treatment you filed on February 16, 2012 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 being contained in Big Rivers' Responses to Commission Data Request Nos. 5 and 19(b) per Order dated Jan. 26, 2012. The Information is described as (No. 5) – a list of firm purchases and sales attached as an Exhibit to Big Rivers' Response to Item 5; and (19b) – Bid tabulation sheet containing bids of fuel suppliers, ranking of bids, and methodology used to evaluate bids.

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.

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 Commission's D.R. 5** containing a list of firm purchases and sales attached as an Exhibit to Response to D.R. 5 does not include pricing information or forecasted information, and therefore

does not meet the criteria for confidential protection and is hereby **DENIED**.

- (2) **Response to Commission D.R. 19(b)** contains bid tabulation sheet, which includes fuel suppliers, ranking of bids, and the methodology used to evaluate the bids, does 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