

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS )  
ELECTRIC CORPORATION FOR AN ) CASE NO. 2012-00535  
ADJUSTMENT OF RATES )

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On February 15, 2013, March 18, 2013, and May 17, 2013, Big Rivers Electric Corporation ("Movant") filed separate motions, pursuant to 807 KAR 5:001, Section 13, requesting that certain materials filed be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motions, Movant states that the information it is requesting to be held confidential is contained in its updated responses to Tab 38 of its Application in the instant case. Additionally, in its March 18, 2013 motion, Movant states that the information it is requesting to be held confidential is contained in its initial response to the discovery requests propounded by the Office of the Attorney General ("AG") and tendered on a confidential compact disc. The information contained in each motion filed is more particularly described as follows: (1) February 15, 2013 Motion: Portions of Movant's update to Tab 38 of its Application concerning off-system sales, historical purchased power amounts and prices, recent cost of producing power, operating and maintenance costs, net sale margins, and TIER; (2) March 18, 2013 Motion: Portions of Movant's update to Tab 38 of its Application concerning off-system sales, operating and maintenance costs, net sale margins, and TIER; and portions of the attachments to the following responses to the AG's Initial Requests for Information: Item 143 ("AG 1-143")

(projected outage information); Item 162 ("AG 1-162")<sup>1</sup> (Rural Utilities Service reports); and Item 233 ("AG 1-233") (load forecasts an input file to the load forecast model); and (3) May 17, 2013 Motion: Portions of Movant's update to Tab 38 of its Application concerning off-system sales and recent production costs.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The updated responses to Tab 38 for which Movant seeks confidential treatment in all of its motions 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. Portions of the responses to AG-143 and AG 1-233 for which Movant seeks confidential treatment in its March 18, 2013 motion 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.

3. Movant's request regarding AG 1-162 should be stricken from the March 18, 2013 petition.

4. The updated responses to Tab 38 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.

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<sup>1</sup> Movant states its basis for requesting confidential protection for AG 1-162 is set forth in its February 28, 2013 petition for confidential treatment. AG 1-162 is not discussed within that filing. On August 7, 2013, Movant asked that its request for confidentiality regarding AG 1-162 be stricken from the March 18, 2013 petition.

5. Portions of the responses to AG 1-143 and AG 1-233 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.

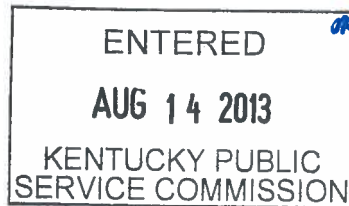
IT IS THEREFORE ORDERED that:

1. Movant's motions for confidential protection are hereby granted.
2. The updated responses to Tab 38 for which Movant seeks confidential treatment shall 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.
3. Portions of the responses to AG 1-143 and AG 1-233 for which Movant seeks confidential treatment shall 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.
4. Movant's request to strike its request for confidentiality of AG 1-162 from the March 18, 2013 petition is granted.
5. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
6. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
7. 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, 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. Otherwise, the Commission shall deny the request for inspection.

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

By the Commission



ATTEST

  
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Executive Director

Case No. 2012-00535

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