

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

This matter arises on two petitions filed on June 24, 2013, and one petition filed on July 12, 2013, by Big Rivers Electric Corporation (BREC), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for five years.

In support of its first petition filed on June 24, 2013, BREC states that public disclosure of the designated materials contained in its response to Ben Taylor's and Sierra Club's supplemental requests for information (Sierra Club's Supplemental Requests), Items 2–5 and Item 8, would result in competitive injury by revealing BREC's projected fuel and operating and maintenance expenses, and projected off-system sales revenues, volumes and prices, and therefore give an unfair advantage to BREC's competitors.

In support of its second petition filed on June 24, 2013, BREC states that public disclosure of the designated materials contained in exhibits to the rebuttal testimony of Robert W. Berry and John Wolfram, and BREC's Financial Model would result in competitive injury by affording BREC's contractors, vendors, and competitors access to

cost and operational parameters that are material to BREC and allow them to manipulate contract negotiations and bidding processes.

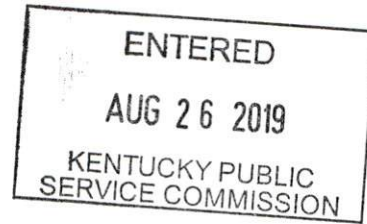
In support of its petition filed on July 12, 2013, BREC states that public disclosure of the designated materials contained in its response to Commission Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request), Items 6, 11, and 9 would result in competitive injury by revealing BREC's future need for power or availability of excess power to sell into the market.

Having considered the petition and the materials at issue, the Commission finds that the time for which BREC requested confidential treatment has run, and therefore the June 24, 2013 and July 12, 2013 petitions are denied as moot.

IT IS THEREFORE ORDERED that:

1. BREC's June 24, 2013 and July 12, 2013 petitions for confidential protection are denied as moot because the time for which confidential protection was requested has run.
2. Within 30 days of the date of this Order, BREC shall file revised pages reflecting as unredacted the designated materials subject to the June 24, 2013 and July 12, 2013 petitions that have been denied confidential treatment.
3. The designated materials in the June 24, 2013 and July 12, 2013 petitions for which confidential protection was denied shall not be placed in the public record for 30 days following the date of this Order to allow BREC to seek any remedy afforded by law.

By the Commission



ATTEST:


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