

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 May 15, 2013, Big Rivers Electric Corporation ("Movant") filed a motion, pursuant to 807 KAR 5:001, Section 13, requesting 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 portions of the responses to Ben Taylor and Sierra Club's (collectively "Sierra Club") Supplemental Requests for Information No. 18 and portions of the attachments to the responses to Sierra Club's Supplemental Requests for Information Nos. 3 and 8. The information is more particularly described as (SC 2-18) - transmission system information drawn from a confidential transmission system map; (SC 2-3) - prospective generation information; and (SC 2-8) - fleet emission allowance expenditures.

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

1. Portions of the response to SC 2-18 for which Movant seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(m) and 807 KAR 5:001, Section 13.

2. Portions of the attachments to the responses for SC 2-3 and SC 2-8 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)(1) and 807 KAR 5:001, Section 13.

3. Portions of the response to SC 2-18 for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite period of time from the date of this Order.

4. Portions of the attachments to the responses for SC 2-3 and SC 2-8 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:

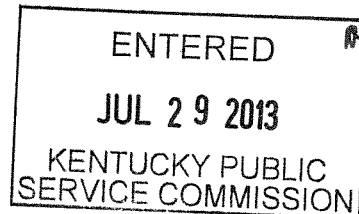
1. Movant's motion for confidential protection is hereby granted.
2. Portions of the response to SC 2-18 for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection for an indefinite period of time from the date of this Order.
3. Portions of the attachments to the responses for SC 2-3 and SC 2-8 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. 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.

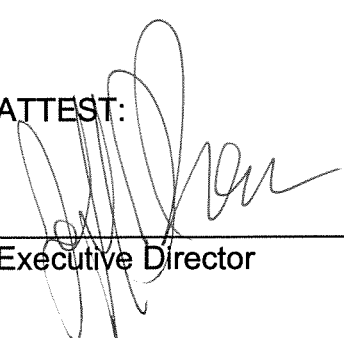
6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Movant shall have 20 days from receipt of written notice of the request to demonstrate that the 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.

7. The Commission shall not make the requested materials available for inspection 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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