

1 COMMONWEALTH OF KENTUCKY
2 BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY
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PUBLIC SERVICE
COMMISSION

5 In the Matter of:

6 Application of Big Rivers Electric)
7 Corporation for a General) Case No. 2012-00535
8 Adjustment In Rates)
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12 **PETITION OF BIG RIVERS ELECTRIC CORPORATION FOR CONFIDENTIAL**
13 **TREATMENT**
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15 1. Big Rivers Electric Corporation (“Big Rivers”) hereby petitions the Kentucky
16 Public Service Commission (“Commission”), pursuant to 807 KAR 5:001 Section 13 and KRS
17 61.878, to grant confidential treatment to the attachments to Big Rivers’ updated response to
18 Item 3 of the Joint Intervenors’ Supplemental Rehearing Requests for Information (“JI 2-3”),
19 which Big Rivers is filing concurrently with this petition. The information for which Big Rivers
20 seeks confidential treatment is hereinafter referred to as the “Confidential Information.”

21 2. The attachments to JI 2-3 are being filed electronically. One (1) copy of the
22 electronic attachments containing Confidential Information is contained in the confidential
23 electronic files that accompany this petition. The pervasive nature of the Confidential
24 Information in the electronic attachments would make public versions ineffectual and unhelpful
25 to the Commission. As such, the entirety of these confidential files have been redacted from the
26 original and each of the ten (10) copies of the updated response to JI 2-3 filed with this petition.
27 *See* 807 KAR 5:001 Sections 13(2)(a)(3), 13(2)(b). A motion for deviation from the requirement
28 that Big Rivers file paper copies of those electronic attachments accompanies this petition.

29 3. A copy of this petition with the Confidential Information redacted has been served
30 on all parties to this proceeding. *See* 807 KAR 5:001 Section 13(2)(c). A copy of the

1 Confidential Information has been served on all parties that have signed a confidentiality
2 agreement.

3 4. The Confidential Information is not publicly available, is not disseminated within
4 Big Rivers except to those employees and professionals with a legitimate business need to know
5 and act upon the information, and is not disseminated to others without a legitimate need to
6 know and act upon the information.

7 5. If and to the extent the Confidential Information becomes generally available to
8 the public, whether through filings required by other agencies or otherwise, Big Rivers will
9 notify the Commission in writing. *See* 807 KAR 5:001 Section 13(10)(b).

10 6. As discussed below, the Confidential Information is entitled to confidential
11 treatment based upon KRS 61.878(1)(a). *See* 807 KAR 5:001 Section 13(2)(a)(1).

12 **I. The Confidential Information is Entitled to Confidential Protection**

13 7. KRS 61.878(1)(a) protects “[p]ublic records containing information of a personal
14 nature where the public disclosure thereof would constitute a clearly unwarranted invasion of
15 personal privacy.”

16 8. The Confidential Information contained in Big Rivers’ updated response to JI 2-3
17 consists of detailed billing information, supporting calculations, and energy usage related to a
18 single customer. Public disclosure of the Confidential Information would constitute an
19 unwarranted invasion of this customer’s privacy, and as such, it should be granted confidential
20 treatment. .

21

1 **II. Time Period**

2 9. Big Rivers requests that the Confidential Information protected by KRS
3 61.878(1)(a) remain confidential indefinitely because it is private customer data. *See* 807 KAR
4 5:001 Section 13(2)(a)(2).

5 **III. Conclusion**

6 10. Based on the foregoing, the Confidential Information is entitled to confidential
7 treatment pursuant to 807 KAR 5:001 Section 13 and KRS 61.878. If the Commission disagrees
8 that Big Rivers' Confidential Information is entitled to confidential treatment, due process
9 requires the Commission to hold an evidentiary hearing. *Utility Regulatory Comm'n v. Kentucky*
10 *Water Serv. Co., Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

11 WHEREFORE, Big Rivers respectfully requests that the Commission grant this petition
12 and classify and treat as confidential the Confidential Information.

13 On this the 22nd day of April, 2014.

14 Respectfully submitted,
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Certificate of Service

I certify that a true and accurate copy of the foregoing was or will be served by Federal Express or by first class mail upon the persons listed on the accompanying service list, on or before the date this petition is filed with the Kentucky Public Service Commission.

On this the 22nd day of April, 2014.



Counsel for Big Rivers Electric Corporation