



IT IS THEREFORE ORDERED that:

1. Blue Jay's motion for confidential protection for its Response to Staff's First Request, Item 8, is granted.

2. The materials requested to be held confidential shall not be placed in the public record or made available for public inspection for an indefinite time period, or until further Orders of this Commission.

3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Blue Jay shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Blue Jay shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Blue Jay is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

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

By the Commission



ATTEST:

A handwritten signature in blue ink, appearing to read "Steve R. Pender". The signature is written in a cursive style and is positioned above a horizontal line.

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