

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	
CLAUSE OF BIG RIVERS ELECTRIC)	CASE NO.
CORPORATION FROM NOVEMBER 1, 2017)	2018-00221
THROUGH APRIL 30, 2018)	

ORDER

On August 24, 2018, Big Rivers Electric Corporation (BREC) filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2) requesting that the Commission grant confidential protection for five years to the identified portions of its response to Item12 (Response 12) to the information requested in an Appendix to the Commission's Order dated August 10, 2018. Specifically, BREC seeks confidential treatment of information about BREC's ongoing off-system sales (Response No. 12).

As the basis for its request, BREC states that public disclosure of the information in Response 12 could provide data that would give an unfair competitive advantage to direct competitors that could result in higher power production prices, which would increase prices to BREC's customers, and harm BREC's ability to successfully compete in the electric wholesale market. BREC states that public disclosure of the data, if it were to lead to higher power production prices, would also negatively affect BREC's creditworthiness.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Response12 is generally recognized as confidential

or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. BREC's petition for confidential protection for Response 12 is granted.
2. The identified information shall not be placed in the public record or made available for public inspection for a period of five years or until further Order 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. BREC 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, then BREC 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 BREC 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 material available for inspection for 20 days following an Order that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

By the Commission

ENTERED
OCT 16 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

For [Signature]
Executive Director

Case No. 2018-00221

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