

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
LOUISVILLE GAS AND ELECTRIC COMPANY,)	
MEADE COUNTY RURAL ELECTRIC)	
COOPERATIVE CORPORATION, AND BIG)	
RIVERS ELECTRIC CORPORATION FOR (1))	
APPROVAL OF AN AGREEMENT MODIFYING)	
AN EXISTING TERRITORIAL BOUNDARY MAP)	CASE NO.
AND (2) ESTABLISHING MEADE COUNTY)	2019-00370
RURAL ELECTRIC COOPERATIVE)	
CORPORATION AS THE RETAIL ELECTRIC)	
SUPPLIER FOR NUCOR CORPORATION'S)	
PROPOSED STEEL PLATE MILL IN)	
BUTTERMILK FALLS INDUSTRIAL PARK IN)	
MEADE COUNTY, KENTUCKY)	

ORDER

This matter arises upon a petition filed on November 18, 2019, by Big Rivers Electric Corporation (BREC) and Meade County Rural Electric Cooperative Corporation (Meade County RECC) (collectively Joint Petitioners), pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1), seeking confidential treatment of certain information contained in their response to Commission Staff's Initial Requests for Information (Staff's Initial Request), Item 1, and to the attachment to their response to Staff's Initial Request, Item 2.

In support of their petition, Joint Petitioners state that the information contained in the response to Staff's Initial Request, Item 1, identifies the projected energy use, and related revenue, of a single retail customer, Nucor Corporation (Nucor). Joint Petitioners aver that this information is personal to Nucor, and that public disclosure of this

information would constitute an unwarranted invasion of personal privacy. Joint Petitioners assert that this personal information is exempted from public disclosure pursuant to KRS 61.878(1)(a).

Joint Petitioners state that the information in the attachment to their response to Staff's Initial Request, Item 2, consists of a cost-benefit analysis evaluating the long-term effects of the amounts paid in the settlement agreement. Joint Petitioners maintain that information contained in the cost-benefit analysis relates to the confidential terms of a special contract between Meade County RECC and Nucor, which contract is the subject of a petition for confidential treatment in Case No. 2019-00365.¹ Joint Petitioners also maintain that the cost-benefit analysis contains BREC's internal projections of its cost and that the disclosure of this information would provide insight into BREC's cost of providing power, the value Joint Petitioners place on providing electric service to potential economic development projects, and a benchmark for future retail and wholesale power contracts. Joint Petitioners assert that public disclosure of this information would place them at a competitive disadvantage when negotiating contracts with future economic development prospects or when competing to buy or sell power in the wholesale power market. As such, Joint Petitioners contend that the information should be exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in the petition meet the criteria for confidential

¹ Case No. 2019-00365, *Electronic Joint Application of Big Rivers Electric Corporation and Meade County Rural Electric Cooperative Corporation for (1) Approval of Contracts for Electric Service With Nucor Corporation; and (2) Approval of Tariff* (Motion for Confidential Protection filed October 18, 2019).

treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(a) and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Joint Petitioners' November 18, 2019 petition for confidential protection is granted.

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

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

4. Joint Petitioners shall inform the Commission if the designated materials become publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the designated materials granted confidential protection by this Order and the period during which the materials have been granted confidential treatment has not expired, Joint Petitioners shall have 30 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 Joint Petitioners are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the designated materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Joint Petitioners to seek a remedy afforded by law.

By the Commission

ENTERED
MAR 09 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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