

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS)	
ELECTRIC CORPORATION FOR APPROVAL)	
OF ITS 2020 ENVIRONMENTAL)	
COMPLIANCE PLAN, AUTHORITY TO)	
RECOVER COSTS THROUGH A REVISED)	CASE NO.
ENVIRONMENTAL SURCHARGE AND)	2019-00435
TARIFF, THE ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	
FOR CERTAIN PROJECTS, AND)	
APPROPRIATE ACCOUNTING AND OTHER)	
RELIEF)	

ORDER

This matter arises on a petition filed on April 13, 2020, by Big Rivers Electric Corporation (BREC), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for five years for one item and an indefinite period for other items.

In support of its petition filed on April 13, 2020, BREC states that public disclosure of the designated materials contained in its responses to Commission Staff's First Request for Information (Staff's First Request), Items 3, 7, and 9 would result in competitive injury as they contain projections for generation of gypsum, the projected range of revenues from marketing the gypsum by-product, and the impact on projected ongoing Wilson Station operation and maintenance costs, projected sulfur dioxide emissions with the retrofitted scrubber on the Wilson Station, and the projected capital cost associated with the clean closure of the Green Station ash pond, respectively.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in BREC's April 13, 2020 petition meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. BREC's April 13, 2020 petition for confidential protection is granted.
2. The designated materials in BREC's response to Staff's First Request, Items 3 and 7 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. The designated materials contained in BREC's response to Staff's First Request, Item 9, shall not be placed in the public record or made available for public inspection for five years or until further Orders of this Commission.
4. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
5. BREC shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.
6. If a nonparty to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, BREC 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 BREC 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 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 BREC to seek a remedy afforded by law.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

By the Commission

ENTERED
AUG 07 2020 rCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Acting Executive Director

*R. Brooks Herrick
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Roger Hickman
Big Rivers Electric Corporation
201 Third Street
P. O. Box 24
Henderson, KY 42420

*Evan Buckley
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Edward T Depp
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Gregory E. Mayes, Jr.
Big Rivers Electric Corporation
201 Third Street
P. O. Box 24
Henderson, KY 42420

*Tyson Kamuf
Corporate Attorney
Big Rivers Electric Corporation
201 Third Street
P. O. Box 24
Henderson, KY 42420

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Big Rivers Electric Corporation
201 Third Street
P. O. Box 24
Henderson, KY 42420