

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG RIVERS)	CASE NO.
ELECTRIC CORPORATION FOR ANNUAL)	2021-00061
REPORT ON MRSM CREDIT)	

ORDER

On February 26, 2021, Big Rivers Electric Corporation (BREC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for an indefinite period for portions of its application and related exhibits. The designated material consists of customer-specific usage data and billing information; and power purchases from and sales to specific counterparties.

In support of its motion, BREC asserts that the customer-specific usage and billing information is of a personal nature and that public disclosure would result in an unwarranted invasion of privacy, and therefore is exempt from public disclosure under KRS 61.878(1)(a). BREC further asserts that public disclosure of the power purchases and sales would result in commercial harm to BREC because the ability to successfully compete in the wholesale power market is directly related to BREC's ability to obtain the maximum price for the power it sells and keep purchase costs as low as possible. BREC argues that it would have an economic disadvantage in future negotiations if the designated material is publicly disclosed, and therefore the designated material is exempt from public disclosure under KRS 61.878(1)(c)(1).

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as private, confidential, or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, KRS 61.878(1)(a), and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. BREC's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. BREC shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty 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, BREC shall have 30 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 requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

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By the Commission

ENTERED
MAR 09 2021 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00061

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