

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF BIG RIVERS)	
ELECTRIC CORPORATION AND KENERGY)	CASE NO.
CORP. TO REVISE THE LARGE INDUSTRIAL)	2023-00312
CUSTOMER STANDBY SERVICE TARIFF)	

ORDER

On December 27, 2024, Big Rivers Electric Corporation (BREC) filed a motion,¹ pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years for a portion of the Supplemental Testimony of Terry Wright, Jr.,² filed in support of the Settlement Agreement, Stipulation, and Recommendation entered on December 10, 2024. Specifically, BREC sought confidential treatment for the estimated refund amount expected to be paid to Kimberly-Clark Corporation (Kimberly-Clark) under the proposed tariff revisions.³

In support of its motion, BREC argued that public disclosure of the refund amount could permit competitors to deduce sensitive operational or financial information about Kimberly-Clark or gain insight into BREC's financial activities, resulting in an unfair commercial advantage.⁴ BREC noted that the information is proprietary, not publicly

¹ Motion for Confidential Treatment of Supplemental Testimony of Terry Wright, Jr. (Motion) (filed Dec. 27, 2024).

² Supplemental Testimony of Terry Wright Jr. (filed Dec. 27, 2024).

³ Motion at 1.

⁴ Motion at 3-4.

available, and similar customer-specific financial data has previously been granted confidential treatment by the Commission.⁵

Having considered the motion and the material at issue, the Commission finds that the redacted portion of the testimony disclosing the estimated refund amount is generally recognized as confidential or proprietary and if released, would result in an unfair commercial advantage; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 (1)(c)(1).

IT IS THEREFORE ORDERED that:

1. BREC's December 27, 2024 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 five years 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. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, BREC shall inform the Commission and file with the Commission an unredacted copy of the designated material.
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


⁵ Motion at 4-5, *citing* Case No. 2021-00289, *Electronic Filing of Big Rivers Electric Corporation and Kenergy Corp. to Implement a New Standby Service Tariff* (Ky. PSC Mar. 3, 2022) and Order (Ky. PSC May 9, 2024) at 4.


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.

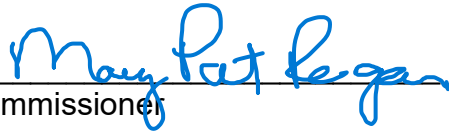
6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



*Brigid L. Khuri
McNees Wallace & Nurick, LLC
777 North Capitol Street, NE, Suite
Washington, DC 20002-429

*Kenergy Corp.
6402 Old Corydon Road
P. O. Box 18
Henderson, KY 42419

*Timothy Lindahl
Kenergy Corp.
6402 Old Corydon Road
P. O. Box 18
Henderson, KY 42419

*Robert A. Weishaar, Jr.
McNees Wallace & Nurick, LLC
777 North Capitol Street, NE, Suite
Washington, DC 20002-429

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

*Tyson Kamuf
Corporate Attorney
Big Rivers Electric Corporation
710 West 2nd Street
P. O. Box 20015
Owensboro, KY 42304

*J. Christopher Hopgood
Dorsey, Gray, Norment & Hopgood
318 Second Street
Henderson, KY 42420

*Big Rivers Electric Corporation
710 West 2nd Street
P. O. Box 20015
Owensboro, KY 42304

*David Giesel
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KY 40202

*Honorable Robert C Moore
Attorney At Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KY 40602-0634

*Daniel E Danford
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

*Susan E. Bruce
McNees Wallace & Nurick, LLC
777 North Capitol Street, NE, Suite
Washington, DC 20002-429

*M. Evan Buckley
Dinsmore & Shohl, LLP
City Center, 100 W. Main Street
Suite 900
Lexington, KY 40507

*Senthia Santana
Big Rivers Electric Corporation
710 West 2nd Street
P. O. Box 20015
Owensboro, KY 42304

*Jody M Kyler Cohn
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

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