

Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet



Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
psc.ky.gov

Angie Hatton
Chair

Mary Pat Regan
Commissioner

Andrew W. Wood
Commissioner

July 23, 2025

Tyson Kamuf, Esq.
BIG RIVERS ELECTRIC CORPORATION
201 Third Street, P.O. Box 727
Henderson, Kentucky 42419-0024
tyson.kamuf@bigrivers.com

Transmitted via E- Mail

Re: Open Records Request received July 15, 2025, requesting records in PSC Case #2019-00361, 2024-00141, and 2024-00149
PSC Reference: ORR Log # 2025-058

To Whom It May Concern:

On July 15, 2025, the Commission received a request from Ryan Richardson with the Owensboro Times, pursuant to the Kentucky Open Records Act, KRS 61.870, et seq., and 807 KAR 5:001, Section 13, to inspect materials that Big Rivers Electric Corporation (BREC) filed in Case No. 2019-00365, Case No. 2024-00141, and Case No. 2024-00149. Copies of the request and the Commission's response to the request, are attached to this letter.

In the cases referenced above, BREC requested and received confidential treatment regarding portions of the information filed in the case. Pursuant to 807 KAR 5:001, Section 13(10)(d), please accept this letter as BREC's notification of the request and its option, within the 20 days, to file a response objecting to the request for inspection.

If BREC wishes to file a response, it may do so by August 12, 2025, through the Commission's electronic filing system. As this request impacts three separate cases, a response would need to be filed in each and every case BREC objects to the release of records previously determined to represent confidential material.

Please be advised that 807 KAR 5:001, Section 13(10)(d), requires that BREC demonstrate that the records previously determined to represent confidential material, continue to qualify as such pursuant to KRS 61.878. If a sufficient demonstration that the records continue to qualify as exempt under KRS 61.878 is not made, the PSC will release the subject materials in response to the request and may take action to make the materials otherwise available for public inspection.

If you have any questions, please contact Justin W. Young, Staff Attorney, at (502) 782-0150 or via e-mail, Justinw.young@ky.gov.

Sincerely,



Linda C. Bridwell, P.E.
Executive Director

Enclosures

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RECEIVED

JUL 15 2025

PUBLIC SERVICE
COMMISSION

From: [Ryan Richardson](#)
To: [PSC ORA Custodian](#)
Cc: [John Kirkpatrick](#)
Subject: Open Records Request – Big Rivers Electric/Nucor Rate Agreement
Date: Tuesday, July 15, 2025 2:48:30 PM

This Message Originated from Outside the Organization

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Good afternoon, I'm the Managing Editor for Owensboro Times.

Pursuant to the Kentucky Open Records Act, I am requesting the following records:

1. All filings, dockets, orders, and communications related to the special rate agreement between Big Rivers Electric Corporation and Nucor Corporation, including but not limited to:
 1. Case numbers associated with Nucor rate approval or economic development rate
 2. Internal memos or staff analyses regarding the rate's justification and impact
 3. Testimony, exhibits, and PSC decisions relating to the projected or actual ratepayer impact
2. Any records or communications from Daviess County residents, utilities, or elected officials related to the Nucor rate case.

Please provide these in digital format where possible.

This information is being requested for reporting purposes by Owensboro Times.

Thank you,

--

Ryan Richardson
Managing Editor, Owensboro Times
270-978-8710

Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet



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Public Service Commission
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Chair

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Commissioner

Andrew W. Wood
Commissioner

July 22, 2025

Ryan Richardson
Owensboro Times
2708 New Hartford Rd.
Owensboro KY 42303
ryan.richardson@owensborotimes.com

Transmitted via E- Mail

Re: Log # 2025-058
Response to Open Records Request

To Whom It May Concern:

This letter acknowledges the Public Service Commission's (PSC) receipt of your request received July 15, 2025, pursuant to the Kentucky Open Records Act, KRS 61.870 – KRS 61.884. Your request sought:

- 1) All filings, dockets, orders, and communications related to the special rate agreement between Big Rivers Electric Corporation and Nucor Corporation, including but not limited to:
 - a) Case numbers associated with Nucor rate approval or economic development rate
 - b) Internal memos or staff analyses regarding the rate's justification and impact
 - c) Testimony, exhibit, and PSC decisions relating to the projected or actual ratepayer impact.
- 2) Any records or communications from Daviess County residents, utilities, or elected officials related to the Nucor rate case.¹

Regarding request 1), following a thorough review of the PSC's records, please find copies of the documents the Commission located and identified as responsive to your request linked below.

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*

¹ Numerical and alphabetical outline format added for ease of reference.

- a. Link: <https://psc.ky.gov/Case/ViewCaseFilings/2019-00365>
2. Case No. 2024-00141, *An Electronic Examination Of The Application Of The Fuel Adjustment Clause Of Big Rivers Electric Corporation From November 1, 2022 Through April 30, 2023*
 - a. Link: <https://psc.ky.gov/Case/ViewCaseFilings/2024-141>
3. Case No. 2024-00149, *An Electronic Examination Of The Application Of The Fuel Adjustment Clause Of Big Rivers Electric Corporation From May 1, 2023 Through October 31, 2023*
 - a. Link: <https://psc.ky.gov/Case/ViewCaseFilings/2024-149>

Regarding the first request above, and the linked case files, each case file includes several items that were identified as responsive to the request but previously granted confidential treatment pursuant to 807 KAR 5:001 Section 13. Pursuant to 807 KAR 5:001 Section 13(10)(d), 807 KAR 5:001 Section 13(7), (8), and KRS 61.872(5), the PSC will send notice to the parties that originally requested the items be granted confidential treatment. Those parties will be given 20 days of receipt of the notice to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If the parties are unable to make the demonstration, the PSC shall make the requested materials available, or if the party is able to make the demonstration, the PSC shall deny the requested inspection.

Accordingly, portions of the requested records are in “active use, in storage or not otherwise available” as contemplated by KRS 61.872(5). Pursuant to KRS 61.872(5) the earliest date for inspection or copies of the responsive documents will be 3:30 p.m. EDT, on August 23, 2025, at 211 Sower Boulevard, Frankfort, Kentucky 40601. A digital copy of the non-confidential responsive records and response will also be sent.

In addition to the documents linked above, the PSC identified one email chain regarding Case No. 2019-00365 (Email) that was withheld KRS 61.878 (1) (i), (j), (l) and KRE 503. This Email contains confidential communications of agency counsel and their clients discussing legal issues relevant to the case and proposed responses of the PSC in regarding those issues, which qualify as attorney-client privileged communications pursuant to KRE 503. Additionally, the Email is exempt from disclosure as it contains preliminary recommendations in which opinions were expressed and policies formulated or recommended as contemplated by KRS 61.878 (1) (i) and (j).

Regarding the second request, other than the documents referenced above, the Commission was unable to identify any responsive documents exist most likely because there was no “Nucor rate case.”

Pursuant to KRS 61.880 and KRS 61.882, appeals of the PSC’s Kentucky Open Records act responses may be reviewed by the Kentucky Office of the Attorney General or appealed to Franklin Circuit Court. Decisions of the Kentucky Office of the Attorney

General involving the PSC and issued pursuant to KRS 61.880, may also be appealed to Franklin Circuit Court.

If you have any questions or concerns, please do not hesitate to submit any questions to the PSC's open records email address: psc-ora_Custodian@ky.gov .

Sincerely,

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Linda C. Bridwell, P.E.
Executive Director

Enclosure

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

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