

1 COMMONWEALTH OF KENTUCKY
2 BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY RECEIVED

3
4 DEC 12 2016

5 In the Matter of:

6 PUBLIC SERVICE
COMMISSION

AN EXAMINATION BY THE PUBLIC SERVICE)
COMMISSION OF THE ENVIRONMENTAL)
SURCHARGE MECHANISM OF BIG RIVERS)
ELECTRIC CORPORATION FOR THE SIX-MONTH)
BILLING PERIOD ENDING JULY 31, 2016 AND)
THE PASS THROUGH MECHANISM OF ITS)
THREE MEMBER DISTRIBUTION)
COOPERATIVES)

CASE NO.
2016-00368

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8
9 **PETITION OF BIG RIVERS ELECTRIC CORPORATION FOR CONFIDENTIAL**
10 **PROTECTION**

11
12 1. Big Rivers Electric Corporation ("Big Rivers") hereby petitions the Kentucky
13 Public Service Commission ("Commission"), pursuant to 807 KAR 5:001 Section 13 and KRS
14 61.878, to grant confidential protection to portions of the attachments to Big Rivers' response to
15 Item 5 of the Commission Staff's First Request for Information ("PSC 1-5"). The information
16 for which Big Rivers seeks confidential treatment is hereinafter referred to as the "Confidential
17 Information." The Confidential Information consists of detailed information relating to
18 substations on the Big Rivers transmission system.

19 2. One (1) copy of the pages containing Confidential Information, with the
20 Confidential Information highlighted with transparent ink, printed on yellow paper, or otherwise
21 marked "CONFIDENTIAL," is being filed with this petition. Ten (10) copies of those pages
22 with the Confidential Information redacted, or a sheet noting that the entirety of the pages have
23 been redacted, are also being filed with this petition. 807 KAR 5:001 Section 13(2)(a)(3).

24 3. Please note that certain personal information has been redacted from both the
25 confidential and redacted versions of the attachments to Big Rivers' response to PSC 1-5

1 pursuant to 807 KAR 5:001 Section 4(10), which relates to privacy protection for filings. The
2 redacted personal information consists of business names of individual retail or wholesale
3 customers and their account numbers. 807 KAR 5:001 Section 4(10)(a).

4 4. There are no other parties to this proceeding on which to serve a copy of this
5 petition. 807 KAR 5:001 Section 13(2)(b).

6 5. If and to the extent the Confidential Information becomes generally available to
7 the public, whether through filings required by other agencies or otherwise, Big Rivers will
8 notify the Commission and have its confidential status removed. 807 KAR 5:001 Section
9 13(10)(b).

10 6. As discussed below, the Confidential Information is entitled to confidential
11 protection based upon KRS 61.878(1)(m)(1). *See* 807 KAR 5:001 Section 13(2)(a)(1).

12 **I. The Confidential Information is Entitled to Confidential Protection**

13 7. KRS 61.878(1)(m)(1) protects

14 Public records the disclosure of which would have a reasonable likelihood of
15 threatening the public safety by exposing a vulnerability in preventing, protecting
16 against, mitigating, or responding to a terrorist act and limited to:

17 . . .

18 f. Infrastructure records that expose a vulnerability referred to in this
19 subparagraph through the disclosure of the location, configuration, or
20 security of critical systems, including public utility critical systems. . . .

21 8. The attachments to Big Rivers' response to PSC 1-5 are Big Rivers' invoices to
22 its Members during the period under review. The Confidential Information contained in those
23 invoices provides the identity/location of substations on the Big Rivers transmission system,
24 along with detailed information about those substations such as substation loading, which could
25 be used to analyze vulnerable locations in Big Rivers' transmission system, which is a public
26 utility critical system, and which could therefore threaten public safety. As disclosure of this
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1 information would provide the public with a tool to analyze the vulnerabilities in Big Rivers'
2 transmission system, this information should be granted confidential treatment.

3 **II. Time Period**

4 9. Big Rivers requests that the Confidential Information remain confidential
5 indefinitely because as long as the transmission system remains in place, the information should
6 be confidential for the reasons stated above. 807 KAR 5:001 Section 13(2)(a)(2).

7 **III. Conclusion**

8 10. Based on the foregoing, the Confidential Information is entitled to confidential
9 protection. If the Commission disagrees that Big Rivers is entitled to confidential protection, due
10 process requires the Commission to hold an evidentiary hearing. *Utility Regulatory Com'n v.*
11 *Kentucky Water Service Co., Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

12 WHEREFORE, Big Rivers respectfully requests that the Commission classify and protect
13 as confidential the Confidential Information.

14 On this the 9th day of December, 2016.

15 Respectfully submitted,

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