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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY AUG 04 2017

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)
CORPORATION FOR A CERTIFICATE OF) CASE NO.
PUBLIC CONVENIENCE AND NECESSITY TO) 2015-00051
CONSTRUCT TWO 161 KV TRANSMISSION)
LINES IN HANCOCK COUNTY, KENTUCKY)

**PETITION OF BIG RIVERS ELECTRIC CORPORATION FOR CONFIDENTIAL
PROTECTION**

1. Big Rivers Electric Corporation ("Big Rivers") hereby petitions the Kentucky Public Service Commission ("Commission"), pursuant to 807 KAR 5:001 Section 13 and KRS 61.878, to grant confidential protection to certain information Big Rivers is filing with this petition. The information Big Rivers seeks to protect as confidential is hereinafter referred to as the "Confidential Information."

2. The Confidential Information consists of "as built" drawings of the two transmission lines for which the Commission granted a certificate of public convenience and necessity in its August 4, 2015, order in this matter.

3. The entirety of the "as built" drawings is confidential. As such, one (1) sealed copy of the drawings marked "CONFIDENTIAL," is being filed with this petition, and an original and ten (10) copies of a sheet noting the entirety of drawings has been redacted are being filed with this petition. 807 KAR 5:001 Section 13(2)(a)(3).

4. A copy of this petition with the Confidential Information redacted has been served on all parties to this proceeding. 807 KAR 5:001 Section 13(2)(b).

5. The Confidential Information is not publicly available, is not disseminated within Big Rivers except to those employees and professionals with a legitimate business need to know

1 and act upon the information, and is not disseminated to others without a legitimate need to
2 know and act upon the information.

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

7 7. The Confidential Information is entitled to confidential protection based upon
8 KRS 61.878(1)(m)(1), which protects “[p]ublic records the disclosure of which would have a
9 reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing
10 protecting against, mitigating, or responding to a terrorist act. . . .”

11 8. The Confidential Information includes critical energy infrastructure information
12 in the form of a detailed map of the relevant portion of Big Rivers’ transmission system and a
13 diagram showing in detail certain transmission system structures and components, including line
14 placements, interconnections, and elevations. As disclosure of this information would provide
15 the public with detailed schematics of the Big Rivers transmission system, this information
16 should be granted confidential treatment. The Commission granted confidential treatment to
17 similar information including preliminary diagrams and maps, in its January 15, 2016, order in
18 this matter.

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

22 10. Based on the foregoing, the Confidential Information is entitled to confidential
23 protection. If the Commission disagrees that Big Rivers is entitled to confidential protection, due

1 process requires the Commission to hold an evidentiary hearing. *See Utility Regulatory Com'n v.*
2 *Kentucky Water Service Co., Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

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

5 On this the 3rd day of August, 2017.

6 Respectfully submitted,

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