

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF)	
BIG RIVERS ELECTRIC CORPORATION)	
FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	Case No.
CONSTRUCT A 161 KV TRANSMISSION LINE,)	2019-00270
AND A 345 KV TRANSMISSION LINE)	
IN MEADE COUNTY, KENTUCKY)	

and

In the Matter of:

ELECTRONIC APPLICATION OF)	
BIG RIVERS ELECTRIC CORPORATION)	
FOR A CERTIFICATE OF PUBLIC)	Case No.
CONVENIENCE AND NECESSITY TO)	2019-00417
CONSTRUCT A 345 KV TRANSMISSION LINE)	
IN MEADE COUNTY, KENTUCKY)	

MOTION OF BIG RIVERS ELECTRIC CORPORATION FOR
CONFIDENTIAL TREATMENT

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 treatment to certain information Big Rivers is filing with this motion. The information for which Big Rivers seeks confidential treatment is hereinafter referred to as the “*Confidential Information*.”

2. The Confidential Information consists of system maps and detailed plan and profile drawings of transmission facilities, including substations,

switching stations, and other Extra High Voltage facilities. These drawings include Critical Energy Infrastructure Information.

3. Pursuant to the Commission's March 24, 2020, Order in *In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Case No. 2020-00085 ("*Case No. 2020-00085*"), one (1) copy of the maps and drawings marked "CONFIDENTIAL," is being filed with this motion by electronic mail in response to Ordering Paragraph No. 2 of the Commission's Order dated January 23, 2020, in Case No. 2020-00270, and to Ordering Paragraph No. 2 of the Commission's Order dated May 1, 2020, in Case No. 2020-00417. Since the attached electronic documents include drawings responsive to both of these orders, Big Rivers is submitting only one copy of each drawing to simultaneously comply with both orders.

4. There were no other parties to this proceeding on whom copies of this petition must be served. 807 KAR 5:001 Section 13(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 and act upon the information, and is not disseminated to others without a legitimate need to know and act upon the information.

6. If and to the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or

otherwise, Big Rivers will notify the Commission and have its confidential status removed. *See* 807 KAR 5:001 Section 13(10)(b).

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

8. The Confidential Information contains detailed information that depicts or describes the planned location, layout, configuration and operation of critical energy infrastructure, specifically Big Rivers’ generating facilities. This Confidential Information is contained in the maps and drawings. If publically disclosed, this Confidential Information could be utilized to commit or further a terrorist act, including the intimidation or coercion of all or part of the civilian population and the disruption of public utility and other critical systems. The public release of such Confidential Information has a reasonable likelihood of threatening the public safety, particularly because it reflect detailed, precise, and highly technical information about the configuration and operations of valuable infrastructure upon which many individuals and businesses rely. Pursuant to KRS 61.878(1)(m), the records should be exempt from public disclosure.

9. The Commission granted confidential treatment on these grounds for an indefinite period to similar maps contained in Big Rivers’ 2014 IRP and 2017 IRP. *See In the Mater of: 2014 Integrated Resource Plan of Big Rivers Electric*

Corporation, Order, P.S.C. Case No. 2014-00166 (August 26, 2014); In the Matter of 2017 Integrated Resource Plan of Big Rivers Electric Corporation, Order, P.S.C. Case No. 2017-00384 (April 25, 2019). Likewise, the Commission granted confidential treatment of a detailed map of Big Rivers' transmission system and a detailed diagram showing the system's components. See In the Matter of: Application of Big Rivers Electric Corporation for a Certificate of Public Convenience and Necessity to Construct Two 161 KV Transmission Lines in Hancock County, Kentucky, Order, P.S.C. Case No. 2015-00051 (January 15, 2016). More recently, the Commission granted confidential treatment to similar maps and drawings submitted with Big Rivers' 2020 Environmental Compliance Plan. See In The Matter of: Application of Big Rivers Electric Corporation for Approval of Its 2020 Environmental Compliance Plan, Authority To Recover Costs Through A revised Environmental surcharge and Tariff, the Issuance of a Certificate of Public Convenience and Necessity For Certain Projects, and Appropriate Accounting and Other Relief, Order P.S.C. Case No. 2019-00435 (August 6, 2020).

10. Pursuant to 807 KAR 5:001 Section 13(2)(a)(2), Big Rivers requests that the Confidential Information protected by KRS 61.878(1)(m) remain confidential indefinitely because as long as the transmission system remains in place, the information should be confidential for the reasons stated above.

11. Based on the foregoing, the Confidential Information is entitled to confidential treatment pursuant to 807 KAR 5:001 Section 13 and KRS 61.878. If the Commission disagrees that Big Rivers' Confidential Information is entitled to

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

WHEREFORE, Big Rivers respectfully requests that the Commission grant this motion and classify and treat as confidential the Confidential Information.

On this the 14th day of December, 2020.

Respectfully submitted,

/s/ Tyson Kamuf

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