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**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF</b>	)	
<b>BIG RIVERS ELECTRIC CORPORATION</b>	)	
<b>FOR APPROVAL OF ITS 2020 ENVIRONMENTAL</b>	)	
<b>COMPLIANCE PLAN, AUTHORITY TO RECOVER</b>	)	
<b>COSTS THROUGH A REVISED</b>	)	Case No.
<b>ENVIRONMENTAL SURCHARGE AND TARIFF,</b>	)	<b>2019-00435</b>
<b>THE ISSUANCE OF A CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY FOR CERTAIN</b>	)	
<b>PROJECTS, AND APPROPRIATE ACCOUNTING</b>	)	
<b>AND OTHER RELIEF</b>	)	

**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 filed with this petition. The information for which Big Rivers seeks confidential treatment is hereinafter referred to as the “*Confidential Information.*” The Confidential Information consists of detailed power plant structural drawings, schematics, specifications, and wiring diagrams.

2. 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 Confidential Information highlighted with transparent ink, printed on yellow paper, or otherwise marked “CONFIDENTIAL,” is being filed with this motion by electronic

1 mail or posting on a secure file share site. A copy of the filing, with the  
2 Confidential Information redacted, is being electronically filed with this motion.

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

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

10 5. As discussed below, the Confidential Information is entitled to  
11 confidential treatment under KRS 61.878(1)(m). *See* 807 KAR 5:001 Section  
12 13(2)(a)(1).

13 **I. The Confidential Information is exempted from public disclosure**  
14 **by KRS 61.878(1)(m)**

15 6. KRS 61.878(1)(m)(1) protects “[p]ublic records the disclosure of  
16 which would have a reasonable likelihood of threatening the public safety by  
17 exposing a vulnerability in preventing protecting against, mitigating, or  
18 responding to a terrorist act. . . .”

19 7. As noted above, the Confidential Information consists of detailed  
20 structural drawings, schematics, specifications, and wiring diagrams for two Big  
21 Rivers’ power plants, which could be used to analyze vulnerable locations in the  
22 plants or the interconnected transmission system, which are public utility critical

1 systems, and which could therefore threaten public safety. Although one of the  
2 plants (Coleman Station) is retired, the scrubber is being moved to Wilson  
3 Station. Also, even with the portion of the Coleman Station that will not be  
4 reused, having access to such detailed schematics and diagrams could  
5 nevertheless be used to damage or destroy the plant structures and injure persons  
6 or property at or near the plant, or to locate chemicals and other material that  
7 could be used to the detriment of public safety. It could also be used to gain an  
8 understanding of the workings of other power plants that are still in operation.  
9 And, the interconnected transmission system is still in use, and the detailed  
10 wiring diagrams could be used to potentially cause damage to the transmission  
11 system. As disclosure of this information would provide the public with a tool to  
12 analyze the vulnerabilities in public utility critical systems, this information  
13 should be granted confidential treatment.

14 **II. Time Period**

15 8. Pursuant to 807 KAR 5:001 Section 13(2)(a)(2), Big Rivers requests  
16 that the Confidential Information remain confidential indefinitely because as long  
17 as similar power plants remain in operation or the transmission system remains  
18 in place, the information should be confidential for the reasons stated above.

19 **III. Conclusion**

20 9. Based on the foregoing, the Confidential Information is entitled to  
21 confidential treatment pursuant to 807 KAR 5:001 Section 13 and KRS 61.878. If

1 the Commission disagrees that Big Rivers' Confidential Information is entitled to  
2 confidential treatment, due process requires the Commission to hold an  
3 evidentiary hearing. *See Utility Regulatory Comm'n v. Kentucky Water Serv. Co.,*  
4 *Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

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

7 On this the 23<sup>rd</sup> day of April, 2021.

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Respectfully submitted,

*/s/ Tyson Kamuf*

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