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COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of:

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

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 schematics, diagrams, plans, equipment and construction specifications, and photographs of Big Rivers’ D.B. Wilson Station (“Wilson Station”), and K.C. Coleman Station (“Coleman Station”).

2. The Confidential Information includes:

a. detailed drawings (civil drawings, structural drawings, equipment design or condition drawings, and electrical drawings) and diagrams

1 contained in appendices A, B, BB, CC, DD, EE, GG, HH, I, II, J, and
2 K through Z;

3 b. detailed scope of work plans, contained in appendices EE and J and
4 in the General Contract Package;

5 c. detailed technical specifications, contained in appendices I, K, L, and
6 M; and

7 d. a Load Flow and Short-Circuit Electrical Report, including detailed
8 diagrams and Geotechnical Engineering Study Report contained in
9 Appendix Z.

10 3. Pursuant to the Commission’s March 24, 2020, Order in *In the*
11 *Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-*
12 *19*, Case No. 2020-00085 (“*Case No. 2020-00085*”), one (1) copy of the Confidential
13 Information marked “CONFIDENTIAL,”¹ is being filed with this motion by
14 posting on a secure file share site. A copy of the filing, with the Confidential
15 Information redacted, is being electronically filed with this motion.

16 4. A copy of the filing with the Confidential Information redacted has
17 been served on all parties to this proceeding through the use of electronic filing.
18 807 KAR 5:001 Section 13(b).

¹ As stated in the cover letter filed with this Motion, both the redacted documents filed electronically and those containing Confidential Information filed via the secure file share site contain text highlighted with transparent yellow ink. This transparent yellow ink was used to identify new documents created since a prior version. Big Rivers was unable to remove these highlights or change the ink color without significant modification to the original documents.

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

5 6. As discussed below, the Confidential Information is entitled to
6 confidential treatment under KRS 61.878(1)(m). *See* 807 KAR 5:001 Section
7 13(2)(a)(1).

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

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

14 8. As noted above, the Confidential Information consists of detailed
15 power plant schematics, diagrams, plans, equipment and construction
16 specifications, and photographs of Big Rivers’ Wilson Station and Coleman
17 Station, all of which could be used to analyze vulnerable locations in the plants or
18 the interconnected transmission system, which are public utility critical systems,
19 and which could therefore threaten public safety. Having access to such detailed
20 schematics and diagrams could be used to damage or destroy the plant structures
21 and injure persons or property at or near the plant, or to locate chemicals and
22 other material that could be used to the detriment of public safety. It could also

1 be used to gain an understanding of the workings of the power plants or other
2 similar power plants. As disclosure of this information would provide the public
3 with a tool to analyze the vulnerabilities in public utility critical systems, this
4 information should be granted confidential treatment.

5 **II. Time Period**

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

11 **III. Conclusion**

12 10. Based on the foregoing, the Confidential Information is entitled to
13 confidential treatment pursuant to 807 KAR 5:001 Section 13 and KRS 61.878. If
14 the Commission disagrees that Big Rivers' Confidential Information is entitled to
15 confidential treatment, due process requires the Commission to hold an
16 evidentiary hearing. *See Utility Regulatory Comm'n v. Kentucky Water Serv. Co.,*
17 *Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

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