1	COMMONWEALTH OF KENTUCKY
2	BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION
3	
45	In the Matter of:
6	ELECTRONIC APPLICATION OF)BIG RIVERS ELECTRIC CORPORATION)FOR A CERTIFICATE OF PUBLIC CONVENIENCE)AND NECESSITY AUTHORIZING THE)CONVERSION OF THE GREEN STATION UNITS)2021-00079TO NATURAL GAS-FIRED UNITS AND AN ORDER)APPROVING THE ESTABLISHMENT OF A)REGULATORY ASSET)
	MOTION OF BIG RIVERS ELECTRIC CORPORATION FOR CONFIDENTIAL TREATMENT
11	1. Big Rivers Electric Corporation (" <i>Big Rivers</i> ") hereby petitions the
12	Kentucky Public Service Commission ("Commission"), pursuant to 807 KAR 5:001
13	Section 13 and KRS 61.878, to grant confidential treatment to certain information
14	Big Rivers is filing in response to Ordering Paragraph No. 5 of the Commission's
15	Order dated June 11, 2021, with this motion.
16	2. The information for which Big Rivers seeks confidential treatment,
17	hereinafter referred to as the "Confidential Information," consists of detailed power
18	plant structural, civil, mechanical, and electrical drawings.
19	3. Pursuant to the Commission's March 24, 2020, Order in <i>In the Matter</i>
20	of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19, Case
21	No. 2020-00085 ("Case No. 2020-00085"), one (1) copy of the Confidential
22	Information highlighted with transparent ink, printed on yellow paper, or otherwise
23	marked "CONFIDENTIAL" is being filed with this motion by electronic mail or

1	posting on a secure file share site. A copy of the filing, with the Confidential
2	Information redacted, is being electronically filed with this motion.
3	4. 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. See
5	807 KAR 5:001 Section 13(b).
6	5. 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	6. The Confidential Information is not publicly available, is not
11	disseminated within Big Rivers except to those employees and professionals with a
12	legitimate business need to know and act upon the information, and is not
13	disseminated to others without a legitimate need to know and act upon the
14	information.
15	7. As discussed below, The Confidential Information is entitled to
16	confidential protection based upon KRS 61.878(1)(m)(1). See 807 KAR 5:001 Section
17	13(2)(a)(1).
18 19	I. <u>The Confidential Information is exempted from public disclosure</u> by KRS 61.878(1)(m)
20	8. KRS 61.878(1)(m)(1) protects "[p]ublic records the disclosure of which
21	would have a reasonable likelihood of threatening the public safety by exposing a
22	vulnerability in preventing protecting against, mitigating, or responding to a
23	terrorist act"

1	9. As noted above, the Confidential Information consists of detailed
2	information that depicts or describes the layout, configuration, and operation of
3	critical energy infrastructure, specifically Big Rivers' Robert D. Green Station
4	("Green Station"), which could be used to damage or destroy the plant structures or
5	injury person or property at or near the plant. It could also be used to gain an
6	understanding of the workings of the power plant or similar plants. Disclosure of
7	this information would provide the public a tool to analyze the vulnerabilities in
8	public utility critical systems.
9	10. The public release of such Confidential Information has a reasonable
10	likelihood of threatening the public safety, particularly because it reflects detailed,
11	precise, and highly technical information about the configuration and operations of
12	valuable infrastructure upon which many individuals and businesses rely.
13	Pursuant to KRS 61.878(1)(m), the drawings should be granted confidential
14	treatment.
15	11. Furthermore, the Commission's Order dated March 5, 2021, in this
16	proceeding granted confidential treatment indefinitely for similar detailed
17	generation system drawings of Big Rivers' Green Station.
18	II. <u>Time Period</u>
19	12. Pursuant to 807 KAR 5:001 Section 13(2)(a)(2), Big Rivers requests
20	that the Confidential Information remain confidential indefinitely because as long
21	as the power station or similar power plants remain in operation, the information
22	should be confidential for the reasons stated above.

1	III. <u>Conclusion</u>
2	13. Based on the foregoing, the Confidential Information is entitled to
3	confidential treatment pursuant to $807 \text{ KAR} 5:001 \text{ Section } 13 \text{ and KRS } 61.878.$ If
4	the Commission disagrees that Big Rivers' Confidential Information is entitled to
5	confidential treatment, due process requires the Commission to hold an evidentiary
6	hearing. See Utility Regulatory Comm'n v. Kentucky Water Serv. Co., Inc., 642
7	S.W.2d 591 (Ky. App. 1982).
8	WHEREFORE, Big Rivers respectfully requests that the Commission grant
9	this motion and classify and treat as confidential the Confidential Information.
10	On this the 11th day of December, 2023
11	Respectfully submitted,
$\frac{12}{13}$	Respectfully submitted, /s/ Senthia Santana
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