

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 **I. The Confidential Information is exempted from public disclosure**
19 **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 **III. Conclusion**

2 13. Based on the foregoing, the Confidential Information is entitled to
3 confidential treatment pursuant to 807 KAR 5:001 Section 13 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,

12 /s/ *Senthia Santana*

13 _____
14 Senthia Santana
15 Tyson Kamuf
16 Whitney Kegley
17 Big Rivers Electric Corporation
18 201 Third Street, P.O. Box 24
19 Henderson, Kentucky 42419-0024
20 Phone: (270) 827-2561
21 Facsimile: (270) 844-6417
22 senthia.santana@bigrivers.com
23 tyson.kamuf@bigrivers.com
24 whitney.kegley@bigrivers.com

25
26
27 *Counsel for Big Rivers Electric*
28 *Corporation*
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