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

5 **IN THE MATTER OF:**

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<b>ELECTRONIC APPLICATION OF</b>	)	
<b>BIG RIVERS ELECTRIC CORPORATION</b>	)	
<b>FOR A CERTIFICATE OF PUBLIC</b>	)	<b>Case No.</b>
<b>CONVENIENCE AND NECESSITY TO</b>	)	<b>2021-00275</b>
<b>CONSTRUCT A 161 KV TRANSMISSION LINE</b>	)	
<b>IN MCCrackEN COUNTY, KENTUCKY</b>	)	

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**MOTION OF BIG RIVERS ELECTRIC CORPORATION FOR  
CONFIDENTIAL TREATMENT**

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8           1.       Big Rivers Electric Corporation (“*Big Rivers*”) hereby moves the  
9 Kentucky Public Service Commission (“*Commission*”), pursuant to 807 KAR 5:001  
10 Section 13 and KRS 61.878, to grant confidential treatment to certain  
11 information Big Rivers is providing in its Application, submitted  
12 contemporaneously with this motion. The information for which Big Rivers seeks  
13 confidential treatment is hereinafter referred to as the “*Confidential*  
14 *Information.*”

15           2.       The Confidential Information contained in Exhibits F and G consists  
16 of detailed drawings of transmission facilities, specifically substation layouts and  
17 schematics. These drawings include Critical Energy Infrastructure Information.

18           3.       Pursuant to the Commission’s Emergency Orders in *In the Matter of:*  
19 *Electronic Emergency Docket Related to the Novel Coronavirus Covid-19*, Case No.

1 2020-00085, one (1) copy of the Confidential Information highlighted in yellow or  
2 otherwise marked “CONFIDENTIAL,” is being filed with this request via  
3 electronic mail sent to [PSCED@ky.gov](mailto:PSCED@ky.gov). One (1) copy of the documents with the  
4 Confidential Information redacted is also being electronically filed with this  
5 request. 807 KAR 5:001 Section 13(2)(a)(3).

6 4. A copy of this motion with the Confidential Information redacted has  
7 been served on all parties to this proceeding through the use of electronic filing.  
8 807 KAR 5:001 Section 13(2)(b).

9 5. The Confidential Information is not publicly available, is not  
10 disseminated within Big Rivers except to those employees and professionals with  
11 a legitimate business need to know and act upon the information, and is not  
12 disseminated to others without a legitimate need to know and act upon the  
13 information. As such, the Confidential Information is generally recognized as  
14 confidential and proprietary.

15 6. In the event that and to the extent the Confidential Information  
16 becomes generally available to the public, whether through filings required by  
17 other agencies or otherwise, Big Rivers will notify the Commission and have its  
18 confidential status removed. 807 KAR 5:001 Section 13(10)(b).

19 7. The Confidential Information is entitled to confidential protection  
20 based upon KRS 61.878(1)(m)(1), which protects “[p]ublic records the disclosure of  
21 which would have a reasonable likelihood of threatening the public safety by

1 exposing a vulnerability in preventing protecting against, mitigating, or  
2 responding to a terrorist act. . . .”

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

14       9.     The Commission granted confidential treatment on these grounds for  
15 an indefinite period to similar maps drawings submitted with Big Rivers’ 2020  
16 Environmental Compliance Plan. *See In The Matter of: Application of Big Rivers*  
17 *Electric Corporation for Approval of Its 2020 Environmental Compliance Plan,*  
18 *Authority To Recover Costs Through A revised Environmental surcharge and*  
19 *Tariff, the Issuance of a Certificate of Public Convenience and Necessity For*  
20 *Certain Projects, and Appropriate Accounting and Other Relief, Order P.S.C. Case*  
21 *No. 2019-00435 (August 6, 2020).* More recently the Commission granted  
22 confidential treatment to similar substation drawings in Big Rivers’ post-case

1 response to ordering paragraph 2 of the Commission’s January 23, 2020 Order in  
2 Case No. 2019-00270 and to ordering paragraph 2 of the Commission’s May 1,  
3 2020 Order in Case 2019-00417. *See In the Matter of: Application of Big Rivers*  
4 *Electric Corporation for a Certificate of Public Convenience and Necessity to*  
5 *Construct a 161 KV Transmission Line, and a 345 KV Transmission Line in*  
6 *Meade County, Kentucky, P.S.C. Case No. 2019-00270, and In the Matter of:*  
7 *Electronic Application of Big Rivers Electric Corporation for a Certificate of Public*  
8 *Convenience and Necessity to Construct and Acquire a 345 KV Transmission Line*  
9 *in Meade County, Kentucky, P.S.C. Case No. 2019-00417, Order, (Mar. 15, 2021).*

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

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

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

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4           On this the 22nd day of September, 2021.

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Respectfully submitted,

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*/s/ Tyson Kamuf*

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