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

IN THE MATTER OF:

ELECTRONIC APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 161 KV TRANSMISSION LINE IN MCCRACKEN COUNTY, KENTUCKY))))))	Case No. 2021-00275
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**MOTION OF BIG RIVERS ELECTRIC CORPORATION FOR
CONFIDENTIAL TREATMENT**

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, KRS 278.160(3), KRS 61.878(1)(a), and KRS 61.878(1)(c), to grant
11 confidential treatment to certain information Big Rivers is providing in its
12 Response to the Commission Staff’s First Request for Information dated October
13 14, 2021, submitted contemporaneously with this motion. The information for
14 which Big Rivers seeks confidential treatment is hereinafter referred to as the
15 “*Confidential Information*.”

16 2. The Confidential Information includes portions of the responses to
17 Items 1 and 6 of the Commission Staff’s First Request for Information (“*PSC 1-1*”
18 and “*PSC 1-6*,” respectively) and consists of negotiated terms of the Retail
19 Agreement between Blockware Mining, LLC (“*Blockware*”) and Big Rivers’

1 Member–Owner Jackson Purchase Energy Corporation (“*Jackson Purchase*”),
2 specifically Blockware’s maximum contract demand.¹ The Commission recently
3 granted confidential treatment of Blockware’s maximum contract demand, for an
4 indefinite period, stating:

5 Having considered the motions and being otherwise
6 sufficiently advised, the Commission finds that the
7 information for which confidential treatment was sought
8 in the June 21, 2021 request and the August 20, 2021
9 motion for confidential treatment meet the requirements
10 found in KRS 61.878(1)(a) and KRS 61.879(1)(c)(1), and
11 should be granted confidential protection.²

12 3. For the reasons fully presented in the Request for Confidential
13 Treatment dated June 21, 2021, and the Motion for Confidential Treatment dated
14 August 20, 2021, in Case No. 2021-00282, which are incorporated here in as if
15 copied in their entirety, Big Rivers seeks continued protection of the Confidential
16 Information, pursuant to the Commission’s October 14, 2021, Order in that case.³
17 807 KAR 5:001 Section 13(2)(a)(1).

18 4. 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.
20 2020-00085, one (1) copy of the Confidential Information highlighted in yellow or

¹ See *In the Matter of: Electronic Tariff Filing of Big Rivers Electric Corporation and Jackson Purchase Energy Corporation for Approval and Confidential Treatment of a Special Contract and Cost Analysis Information and a Request For Deviation from the Commission’s September 24, 1990 [Order] in Administrative Case No. 327*, P.S.C. Case No. 2021-00282.

² *Id.* Order at p. 21, (Oct. 14, 2021).

³ *Id.* Order at ordering paragraphs 8-13 (Oct. 14, 2021).

1 otherwise marked "CONFIDENTIAL," is being filed with this request via
2 electronic mail sent to PSCED@ky.gov.

3 5. One (1) copy of the documents with the Confidential Information
4 redacted is also being electronically filed with this request. 807 KAR 5:001
5 Section 13(2)(a)(3). The Commission has excused no parties to this proceeding
6 from its electronic filing procedures.

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

11 7. Big Rivers requests that the Confidential Information consisting of
12 Blockware's maximum contract demand, remain confidential indefinitely, as
13 previously granted by the Commission. *See* 807 KAR 5:001 Section 13(3)(a)(2).

14 8. Based on the foregoing, the Confidential Information is entitled to
15 confidential protection. If the Commission disagrees that Big Rivers is entitled to
16 confidential protection, due process requires the Commission to hold an
17 evidentiary hearing. *See Utility Regulatory Com'n v. Kentucky Water Service Co.,*
18 *Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

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

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