1	COMMONWEALTH OF KENTUCKY
2	BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION
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4 5	In the Matter of:
C	ELECTRONIC APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 161 KV TRANSMISSION LINE IN HENDERSON COUNTY, KENTUCKY)
6 7 8 9 10	MOTION OF BIG RIVERS ELECTRIC CORPORATION FOR CONFIDENTIAL TREATMENT
11	1. Big Rivers Electric Corporation ("Big Rivers") hereby petitions the
12	Kentucky Public Service Commission ("Commission"), pursuant to 807 KAR
13	5:001 Section 13 and KRS 61.878(1)(m)(1), to grant confidential treatment to
14	certain information Big Rivers is filing in response to Ordering Paragraph No. 7
15	of the Commission's Order dated June 6, 2022, 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 "as
18	built" drawings of Big Rivers' South Henderson Switching Station and the
19	Henderson Paper Mill Substation (the "Stations"), authorized by the June 6, 2022
20	Order.
21	3. Pursuant to the Commission's March 24, 2020, Order in <i>In the</i>
22	Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-
23	19, Case No. 2020-00085 ("Case No. 2020-00085"), one (1) copy of the Confidential

- 1 Information highlighted with transparent ink, printed on yellow paper, or
- 2 otherwise marked "CONFIDENTIAL" is being filed with this motion by electronic
- 3 mail or posting on a secure file share site. A copy of the filing, with the
- 4 Confidential Information redacted, is being electronically filed with this motion.
- 5 4. A copy of the filing with the Confidential Information redacted has
- 6 been served on all parties to this proceeding through the use of electronic filing.
- 7 See 807 KAR 5:001 Section 13(b).
- 8 5. If and to the extent the Confidential Information becomes generally
- 9 available to the public, whether through filings required by other agencies or
- 10 otherwise, Big Rivers will notify the Commission and have its confidential status
- 11 removed. See 807 KAR 5:001 Section 13(10)(b).
- 12 6. The Confidential Information is not publicly available, is not
- disseminated within Big Rivers except to those employees and professionals with
- 14 a legitimate business need to know and act upon the information, and is not
- disseminated to others without a legitimate need to know and act upon the
- 16 information.
- 7. As discussed below, The Confidential Information is entitled to
- 18 confidential protection based upon KRS 61.878(1)(m)(1). See 807 KAR 5:001
- 19 Section 13(2)(a)(1).

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

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

- 9. As noted above, the Confidential Information consists of detailed information that depicts or describes the layout, configuration, and operation of critical energy infrastructure, specifically the South Henderson Switching Station and the Henderson Paper Mill Substation, which could be used to damage or destroy the transmission facilities or injury person or property at or near the facilities. It could also be used to gain an understanding of the workings of the Stations or similar critical energy infrastructure. Disclosure of this information would provide the public a tool to analyze the vulnerabilities in public utility critical systems.
- 10. The public release of such Confidential Information has a reasonable likelihood of threatening the public safety, particularly because it reflects detailed, precise, and highly technical information about the configuration and operations of valuable infrastructure upon which many individuals and businesses rely. Pursuant to KRS 61.878(1)(m), the drawings should be granted confidential treatment.

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T	11. <u>Time Period</u>
2	11. Pursuant to 807 KAR 5:001 Section 13(2)(a)(2), Big Rivers requests
3	that the Confidential Information remain confidential indefinitely because as
4	long as the Stations or similar stations remain in operation, the information
5	should be confidential for the reasons stated above.
6	III. <u>Conclusion</u>
7	12. Based on the foregoing, the Confidential Information is entitled to
8	confidential treatment pursuant to 807 KAR 5:001 Section 13 and KRS 61.878.
9	If the Commission disagrees that Big Rivers' Confidential Information is entitled
10	to confidential treatment, due process requires the Commission to hold an
11	evidentiary hearing. See Utility Regulatory Comm'n v. Kentucky Water Serv. Co.,
12	Inc., 642 S.W.2d 591 (Ky. App. 1982).
13	WHEREFORE, Big Rivers respectfully requests that the Commission
14	grant this motion and classify and treat as confidential the Confidential
15	Information.
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On this the 13th day of December, 2023 1 Respectfully submitted, 2 3 /s/ Senthia Santana 4 5 6 Senthia Santana 7 Tyson Kamuf Whitney Kegley 8 Big Rivers Electric Corporation 9 $710~W.~2^{nd}~Street$ 10 Owensboro, Kentucky 42301 11 12 Phone: (270) 844-6140 13 Facsimile: (270) 844-6417 senthia.santana@bigrivers.com 14 15 tyson.kamuf@bigrivers.com whitney.kegley@bigrivers.com 16 17 Counsel for Big Rivers Electric 18 Corporation19 20