

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matters of:

APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 161 KV TRANSMISSION LINE, AND A 345 KV TRANSMISSION LINE IN MEADE COUNTY, KENTUCKY	) ) ) ) ) ) )	CASE NO. 2019-00270
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ELECTRONIC APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT AND ACQUIRE A 345 KV TRANSMISSION LINE IN MEADE COUNTY, KENTUCKY	) ) ) ) ) ) )	CASE NO. 2019-00417
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ORDER

On December 15, 2020, Big Rivers Electric Corporation (BREC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment indefinitely for system maps and detailed plan and profile drawings of transmission facilities including substations, switching stations, and other extra high voltage facilities which BREC filed with the Commission in response to ordering paragraph 2 of the Commission’s January 23, 2020 Order in Case. No. 2019-00270 and to ordering paragraph 2 of the Commission’s May 1, 2020 Order in Case No. 2019-00417.

In support of its motion, BREC states that the information contained in these materials is not publicly available, is not disseminated within BREC except to those employees and professionals with 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 information. BREC argues that the information contained in these materials depicts and describes the planned location, layout, configuration, and operation of critical energy infrastructure, specifically BREC's generating facilities. BREC maintains that if this information was publicly disclosed the information could be used to commit or further a terrorist act, including the intimidation or coercion of all or part of the civilian population and the disruption of public utility and other critical systems. Further, BREC states that the public release of this information has a reasonable likelihood of threatening public safety, particularly because the materials contain detailed, precise, and highly technical information about the configuration and operations of valuable infrastructure upon which many individuals and businesses rely. BREC maintains this information should be exempt from public disclosure pursuant to KRS 61.878(1)(m).<sup>1</sup>

Having considered the motion and the material at issue, the Commission finds that the system maps, drawings, plans and profiles of transmission facilities and other extra high voltage facilities are generally recognized as confidential or proprietary; the materials therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m).

IT IS THEREFORE ORDERED that:

1. BREC's motion for confidential treatment is granted.

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<sup>1</sup> KRS 61.878(1)(m)(1)(f) excludes from public disclosure infrastructure records of a public utility's critical system if those records expose a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act.

2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

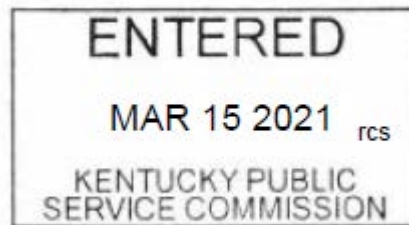
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. BREC shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, BREC shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If BREC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow BREC to seek a remedy afforded by law.

By the Commission



ATTEST:

  
Executive Director

Case No. 2019-00270  
Case No. 2019-00417

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