

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	)	CASE NO.
AUTHORIZING THE CONVERSION OF THE	)	2021-00079
GREEN STATION UNITS TO NATURAL GAS-	)	
FIRE UNITS AND AN ORDER APPROVING THE	)	
ESTABLISHMENT OF A REGULATORY ASSET	)	

ORDER

On December 11, 2023, Big Rivers Electric Corporation (BREC) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m), requesting that the Commission grant confidential treatment indefinitely for detailed power plant structural, mechanical, and electrical drawings for BREC's Robert D. Green Station.

KRS 61.878(1)(m)(1) permits an exception for records that if disclosed 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. BREC argued that the information is entitled to confidential protection based upon KRS 61.878(1)(m), and that disclosure of the information could be used to damage or destroy the plant structures and public release has a reasonable likelihood of threatening public safety.

Having considered the motion and the material at issue, the Commission finds that detailed power plant structural, mechanical, and electrical drawings for BREC's Robert D. Green Station is generally recognized as confidential or proprietary; it therefore meets

the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(m)(1).

IT IS THEREFORE ORDERED that:

1. BREC's December 11, 2023 motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection indefinitely 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. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, BREC shall inform the Commission and file with the Commission an unredacted copy of the designated material.
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.

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PUBLIC SERVICE COMMISSION

Angie Hatton

Chairman

*Signed  
on behalf  
of Chair  
Hatton  
w/permission*

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Vice Chairman

May Pat Regan

Commissioner

ENTERED

AUG 19 2024

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KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

 for

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