

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF JACKSON	)	
PURCHASE ENERGY CORPORATION FOR	)	CASE NO.
APPROVAL UNDER KRS 278.218 TO	)	2020-00339
TRANSFER OWNERSHIP OF EXISTING	)	
HEADQUARTERS FACILITY	)	

ORDER

On October 23, 2020, Jackson Purchase Energy Corporation (Jackson Purchase) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential treatment for items Jackson Purchase provides in its application for approval to transfer ownership of its existing headquarters facility. Specifically, Jackson Purchase seeks confidential treatment for the proposed purchase price and appraisal value of its existing headquarters facility.

As part of its application Jackson Purchase has included the purchase price along with the appraisal value of the existing headquarters facility. Additionally, Jackson Purchase has provided the Real Estate Purchase Agreement for which they seek approval by the Commission and the Appraisal Report for the existing headquarters facility.

In support of its motion, Jackson Purchase argues that the information provided detailed above contains information exempted from the Kentucky Open Records Act. Specifically, Jackson Purchase points to exemptions available under KRS 61.878(1)(c)(1), arguing that the purchase price and appraisal value of the existing

headquarters facility is confidential or proprietary. Jackson Purchase argues confidential information is critical to the effective execution of business decisions and strategy, and if disclosed, the confidential information would give competitors an unfair commercial advantage and insights into Jackson Purchase's business operations and financial strategies that are otherwise not publicly available. Based on this definition, Jackson Purchase contends that both the purchase price and appraisal value of the existing headquarters facility should be considered confidential information until the completion of the real estate transaction, and thus fall within the exemptions available under KRS 61.878(1)(c)(1).

Having considered the motion and the material at issue, the Commission finds that the information contained in the purchase price and the appraisal value of the Jackson Purchase existing headquarters facility is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

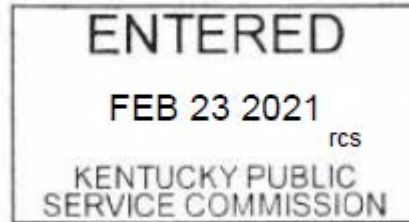
1. Jackson Purchase's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection until completion of the sale and public registration of the real estate purchase agreement 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. Jackson Purchase 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, Jackson Purchase 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 Jackson Purchase 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 Jackson Purchase to seek a remedy afforded by law.

By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Adwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

Case No. 2020-00339

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