

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF JACKSON)	
PURCHASE ENERGY CORPORATION FOR A)	CASE NO.
GENERAL ADJUSTMENT OF RATES AND)	2021-00358
OTHER GENERAL RELIEF)	

ORDER

On October 29, 2021, Jackson Purchase Energy Corporation (Jackson Purchase) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years to a wage and salary study provided in response to Commission Staff's First Request for Information, Item 21.

Jackson Purchase requested confidential treatment pursuant to KRS 61.878(1)(a), which prohibits public disclosure of information that, if publicly disclosed, would constitute an unwarranted invasion of personal privacy. Jackson Purchase also requested confidential treatment pursuant to KRS 61.878(1)(c)(1), which exempts, from public disclosure, records that are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to competitors.

In support of its motion, Jackson Purchase argued that the employee-specific wage and salary study contains information of a personal nature and public disclosure would constitute a clearly unwarranted invasion of personal privacy. For this reason, Jackson Purchase asserted that the information is exempt from public disclosure pursuant to KRS 61.878(1)(a). Jackson Purchase also argued that, because it competes with other employers to hire and retain a skilled workforce with utility experience, public

disclosure of employee compensation would adversely affect its ability to hire and retain skilled employees. Furthermore, Jackson Purchase asserted the public disclosure would result in an unfair commercial advantage to its competitors, and therefore the records are exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having considered the motion and the material at issue, the Commission finds that, because the designated material contains employee-specific salary and wage information, the designated material is personal in nature and would constitute a clearly unwarranted invasion of personal privacy if disclosed. The Commission further finds that public disclosure of position-specific compensation for its non-executive employees could hamper Jackson Purchase's ability to compete for skilled employees with experience working for a utility, and thus could result in an unfair commercial advantage to Jackson Purchase's competitors in the utility industry. For these reasons, the Commission finds that the designated material 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)(a) and (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 for ten years 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

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00358

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