

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION FOR AN)	
ALTERNATIVE RATE ADJUSTMENT FOR)	CASE NO.
JACKSON ENERGY COOPERATIVE PURSUANT)	2024-00324
TO 807 KAR 5:078)	

ORDER

On November 8, 2024, Jackson Energy Cooperative Corporation (Jackson Energy) 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 for information contained in vegetation management contracts filed in conjunction with its application for an adjustment of rates.¹

In support of its motion, Jackson Energy argued that disclosure of the vegetation management contracts would allow competitors access to current pricing information, which could impact future bidding and result in higher costs for vegetation management services.² Jackson Energy further stated that the contracts resulted from a sealed bidding process, as required by the Rural Utilities Service, and that the contracts contain proprietary, confidential, sensitive, and commercially valuable information.³

Having considered the motion and the material at issue, the Commission finds that the vegetation management contracts, as submitted, does not warrant confidential

¹ Jackson Energy's Motion for Confidential Treatment (Motion) (filed Nov. 8, 2024).

² Motion at 2.

³ Motion at 3.

treatment in their entirety pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 (1)(c)(1). However, the Commission finds that material terms contained within the contracts may qualify for confidential treatment to the extent that disclosure would provide competitors with an unfair commercial advantage.

The Commission generally grants, in part, confidential treatment for itemized bids or contract components that reveal negotiated pricing structures or proprietary terms. However, total bid amounts or pricing relied upon for ratemaking purposes are subject to public disclosure. Accordingly, confidential protection should be limited to the material terms of the contracts that reveal proprietary vendor pricing structures.

IT IS THEREFORE ORDERED that:

1. Jackson Energy's November 8, 2024 motion for confidential treatment is granted, in part, and denied, in part.
2. Jackson Energy's November 8, 2024 motion for confidential treatment is granted for material terms contained within the vegetation management contracts pursuant to KRS 61.878(1)(c)(1).
3. Jackson Energy's November 8, 2024 motion for confidential treatment is denied for total bid amounts or other information relied upon for ratemaking purposes, which shall remain part of the public record.
4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for 10 years or until further order of this Commission.
5. 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).

6. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Jackson Energy shall inform the Commission and file with the Commission an unredacted copy of the designated material.

7. 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 Energy shall have 20 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 Energy is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

8. The Commission shall not make the requested material for which confidential treatment was granted 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 Energy to seek a remedy afforded by law.

9. The designated material denied confidential treatment by this Order is not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

10. If Jackson Energy objects to the Commission's determination that the requested material not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials should be granted confidential treatment.

11. Within 30 days of the date of service of this Order, Jackson Energy shall file a revised version of the designated material for which confidential treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

12. The designated material for which Jackson Energy's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order in order to allow Jackson Energy to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director



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