

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of Adjustment of Rates )  
of Jackson Energy Cooperative ) Case No. 2013-00219  
)  
)

**MOTION FOR CONFIDENTIALITY**

Jackson Energy Cooperative Corporation (“Jackson Energy”), by counsel, pursuant to 807 KAR 5:001, Section 13 and KRS 61.878, moves the Public Service Commission of Kentucky (“the Commission”) for an order granting confidential treatment to portions of its response dated August 29, 2013 to the Commission’s first data request. As grounds for this motion, Jackson Energy states as follows:

1. By letter dated June 10, 2013, Jackson Energy gave notice to the Commission of its intent to file an application for an increase in its retail rates.
2. By letter dated June 11, 2013, the Commission acknowledged receipt of Jackson Energy’s notice of intent to file an application for an increase in rates, and on July 2, 2013, the Commission filed its first data request in this case.
3. Request number 19 of the Commission’s first data request sought a schedule of purchased power costs for the test year of 2012, and for the previous year, 2011, separated by vendor.
4. Jackson Energy, along with 15 other distribution cooperatives in the State of Kentucky, is an owner of East Kentucky Power Cooperative (“East Kentucky”), and as such, obtains the vast majority of its power requirements from East Kentucky.
5. Pursuant to the wholesale power contract with East Kentucky, as amended, Jackson Energy is entitled to purchase power from sources other than East Kentucky, provided

that such purchases do not exceed certain percentages of its total load as set forth in amendments to the wholesale power contract.

6. In 2011, Jackson Energy entered into a contract for the purchase of power with Wellhead Energy Systems, Inc. (“Wellhead”), which is a privately owned company that sells power to electric utilities that is generated by natural gas from individual stranded gas wells or gas pipelines.

7. Contemporaneously with entering into that contract, Jackson Energy notified the Commission of its intent to purchase power from Wellhead.

8. Pursuant to its contract for the purchase of power with Wellhead, Jackson Energy agreed to treat as confidential the rates it pays to Wellhead for energy purchased from Wellhead. This confidentiality provision was insisted upon by Wellhead due to its status as a private corporation that sought the execution of purchase power contracts from other utilities at competitive rates. Wellhead believed that disclosure of the rates for power paid by Jackson Energy pursuant to its contract would impair its ability to negotiate with other utilities and would permit an unfair commercial advantage to the competitors of Wellhead.

9. Accordingly, pursuant to KRS 61.878(c)(1), the amount and the cost of power Jackson Energy has purchased from Wellhead is proprietary information, and the public disclosure of this information would violate a confidentiality agreement between Jackson Energy and Wellhead and would result in an unfair commercial advantage to competitors. The type of information sought would generally be considered proprietary and there is no significant public interest in favor of the disclosure of this information.

10. Jackson Energy, pursuant to 807 KAR 5:001, Section 13, submits, under seal, the complete information requested by the Commission and for which confidentiality is sought, with

said information being contained on one page and being circled in red. This information specifically includes the total kilowatts of electricity, the kilowatt hours and the dollar amount paid by Jackson Energy to Wellhead for the years 2011 and 2012.

11. Jackson Energy requests that this information be deemed confidential indefinitely, because the contract with Wellhead is ongoing, as is Jackson Energy's requirement to treat the information as such.

For the above stated reasons, Jackson Energy Cooperative Corporation hereby moves the Kentucky Public Service Commission for an order treating as confidential all information identified in this motion.

Submitted this 29th day of August 2013.



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