

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 December 9, 2013 to the Commission’s Fourth 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 subsequently, the Commission filed several data requests in this case.
3. On November 25, 2013, the Commission filed its Fourth Data Request to Jackson Energy.
4. Request number 12 of the Commission’s Fourth Data Request sought a copy of a contract for the purchase of power between Jackson Energy and Wellhead Energy Systems, Inc.

5. 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.

6. 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.

7. 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.

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

9. Pursuant to its contract for the purchase of power with Wellhead, Jackson Energy agreed to treat the entire contract with Wellhead as confidential. 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 terms of the contract would impair its ability to negotiate with other utilities and would permit an unfair commercial advantage to the competitors of Wellhead.

10. Accordingly, pursuant to KRS 61.878(c)(1), the amount and the cost of power that Jackson Energy has purchased from Wellhead along with the other terms of the contract 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.

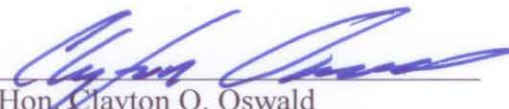
11. Jackson Energy, pursuant to 807 KAR 5:001, Section 13, submits, under seal, the complete contract requested by the Commission and for which confidentiality is sought. Since confidentiality is sought for the entire contract, it is filed under seal in its entirety, with each page marked "confidential."

12. 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 9th day of December 2013.

Respectfully submitted by,



Hon. Clayton O. Oswald  
Taylor, Keller & Oswald, PLLC  
1306 W. 5th St., Suite 100  
P.O. Box 3440  
London, KY 40743-3440  
(606) 878-8844  
Fax: (606) 878-8850  
Email: [coswald@tkolegal.com](mailto:coswald@tkolegal.com)  
Attorney for Jackson Energy Cooperative