

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

THE ELECTRONIC APPLICATION OF JACKSON PURCHASE	)	
ENERGY CORPORATION FOR A GENERAL ADJUSTMENT	)	Case No.
OF RATES PURSUANT TO STREAMLINED PROCEDURE PILOT	)	2019-00053
PROGRAM ESTABLISHED IN CASE NO. 2018-00407	)	

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**MOTION FOR CONFIDENTIAL TREATMENT**

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Comes now Jackson Purchase Energy Corporation (“Jackson Purchase”), by counsel, pursuant to KRS 61.878, 807 KAR 5:001 Section 13 and other applicable law, and respectfully moves the Commission to afford confidential treatment to certain information and documents filed by Jackson Purchase in response to the requests for information propounded by Commission Staff and the Attorney General, respectively, in the above-styled matter. In support of this request, Jackson Purchase states as follows:

1. On March 29, 2019, Jackson Purchase filed its Application in this matter. On April 26, 2019, Commission Staff propounded requests for information upon Jackson Purchase and, on April 29, 2019, the Attorney General, by and through his Office of Rate Intervention (the “AG”), propounded requests for information upon Jackson Purchase. Jackson Purchase is filing responses to these requests for information contemporaneously herewith.

2. Pursuant to Commission regulation and in accordance with law, Jackson Purchase requests that the Commission afford confidential treatment to the following proprietary, personal, confidential, sensitive, and commercially valuable information (collectively, the “Confidential Information”):

a. the employment contract entered into by and between Jackson Purchase and its President/Chief Executive Officer containing the specific terms and conditions upon which his employment is based, a copy of which is provided in response to Item 3 of Commission's Staff's request for information;

b. the recent wage and salary study conducted by a third-party consultant containing specific employee identity and cooperative-wide compensation information (job titles, salaries, compensation adjustments and/or similar information), a copy of which is contained in the electronic file tendered contemporaneously herewith in response to Item 21 of the AG's request for information;

c. a portion of certain minutes of a meeting of Jackson Purchase's Board of Directors held July of 2018 reflecting sensitive personnel matters, a copy of which is provided in response to Item 27 of the AG's request for information; and

d. the position-specific, employee-identifying portions of the non-bargaining employee wage increase information, as well as the bargaining employee wage information from the relevant labor contract, provided in response to Item 42 of the AG's request for information.

3. The Confidential Information includes private, cooperative-wide historical compensation information for all individuals employed by Jackson Purchase. The public disclosure of such sensitive information, which is undoubtedly of a personal nature, would constitute a clearly unwarranted invasion of personal privacy. Moreover, because Jackson Purchase competes with numerous other employers with respect to the acquisition and retention of a quality workforce, the public disclosure of the delicate and protected employee compensation information would unfairly harm Jackson Purchase's competitive position in the marketplace.

4. Each item for which Jackson Purchase requests confidential treatment warrants protection from open viewing and distribution. The employment contract provided in response to Commission Staff's Item 3 includes detailed terms governing the private employment of an individual which are not appropriate for public disclosure; similarly, the sensitive personnel matter discussed in a portion of Jackson Purchase's Board of Directors meeting minutes should remain private. Moreover, the employee-specific wage and salary information provided in response to Items 21 and 42 of the AG's request for information is clearly private and commercially valuable. All of this Confidential Information is proprietary information that is retained by Jackson Purchase on a "need-to-know" basis. The Confidential Information is distributed within Jackson Purchase only to those holding select positions who must have access for business reasons, and it is generally recognized as confidential and proprietary in the utility industry and elsewhere.

5. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure. *See* KRS 61.878(1)(a); KRS 61.878(1)(c)(1); *Zink v. Department of Workers Claims, Labor Cabinet*, 902 S.W.2d 825 (Ky.App. 1994); *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The public disclosure of the Confidential Information would potentially harm Jackson Purchase's competitive position in the marketplace, to the detriment of Jackson Purchase and its customers. Additionally, the Confidential Information is publicly unavailable and its confidentiality is critical to Jackson Purchase's effective execution of business decisions and strategy. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

6. Jackson Purchase does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable confidentiality and nondisclosure

agreement, to intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

7. Contemporaneously with this motion, Jackson Purchase is filing an electronic, redacted version of its responses to the relevant requests for information. By subsequent hand-delivery, Jackson Purchase intends to tender one (1) hardcopy, redacted original of each response and, in a separate sealed envelope marked confidential, one (1) unredacted copy of the Confidential Information.

8. In accordance with the provisions of 807 KAR 5:001 Section 13(2), Jackson Purchase respectfully requests that the Confidential Information be withheld from public disclosure for ten (10) years.

9. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, Jackson Purchase will notify the Commission and seek to have confidential protection removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, Jackson Purchase respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for a period of ten (10) years.

Dated this 13<sup>th</sup> day of May, 2019.

Respectfully submitted,



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