

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

| | | |
|--|---|-------------------|
| AN ELECTRONIC APPLICATION OF JACKSON |) | |
| PURCHASE ENERGY CORPORATION FOR A |) | |
| CERTIFICATE OF PUBLIC CONVENIENCE AND |) | CASE NO. |
| NECESSITY TO CONSTRUCT A NEW |) | 2019-00326 |
| HEADQUARTERS FACILITY |) | |

MOTION FOR CONFIDENTIAL TREATMENT

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 for its Motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to certain portions of Jackson Purchase’s Application and related exhibits filed in the above-captioned proceeding, respectfully states as follows:

1. Contemporaneously with this Motion, Jackson Purchase has filed an Application requesting an Order from the Commission granting a Certificate of Public Convenience and Necessity (“CPCN”) for construction of a new headquarters facility. Jackson Purchase intends to acquire an existing building and appurtenant property within its service territory and construct/remodel it to accommodate the cooperative’s needs for a new headquarters facility.

2. As part of its Application, Jackson Purchase has attached a locational map, specifications, drawings and other visual documents showing the location of the facilities it proposes to acquire and generally describing how those facilities will be altered to accommodate the revised design of the new headquarters facilities. Jackson Purchase has also included detailed

data regarding the purchase price, square footage, current condition, name of current owner, anticipated cost of construction, amount of borrowing associated with the project and other relevant and sensitive identifying information on the property to be acquired. Much of this information, if allowed into the public domain could place Jackson Purchase at a competitive disadvantage, and is subject to a confidentiality clause contained in a Letter of Intent (to purchase) entered into by and between Jackson Purchase and the current owner of property. These items are referred to herein collectively as the “Confidential Information.”

3. KRS 61.878(1)(c)(1) protects “records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.” The Kentucky Supreme Court has stated, “information concerning the inner workings of a corporation is ‘generally accepted as confidential or proprietary’” *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995). The Confidential Information is critical to the effective execution of business decisions and strategy. If disclosed, the Confidential Information would give competitors an unfair commercial advantage and insights into Jackson Purchase’s business operations and financial strategies that are otherwise publicly unavailable. Accordingly, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

4. The Confidential Information is proprietary information that is retained by Jackson Purchase on a “need-to-know” basis and is not publicly available. The Confidential Information is distributed within Jackson Purchase only to those employees who must have access for business reasons, and is generally recognized as confidential and proprietary in the energy industry.

5. Disclosure of the Confidential Information could unreasonably and unnecessarily harm Jackson Purchase and the current owners of the property to be acquired by giving interested third-parties an unfair commercial advantage by knowing the location of the property to be acquired and the agreed upon purchase price. Moreover, by disclosing the total cost of the engineering, design and construction work to be completed on the existing facility and the amount of financing needed for such construction, prospective construction bidders could potentially use this valuable commercial information to submit construction bids higher than what they might otherwise provide if the information was not publicly available.

6. Disclosure of certain of the Confidential Information would afford an interested third-party the opportunity to identify the property Jackson Purchase proposes to purchase, which, besides being a breach of the confidentiality clause of the LOI could place Jackson Purchase at an unfair commercial disadvantage with such parties who are currently unaware that the property is available for sale and who might desire to also acquire the same property in competition with Jackson Purchase.

7. 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.

8. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Jackson Purchase is filing one (1) copy of the unredacted Application and exhibits separately under seal with the Confidential Information highlighted or otherwise denoted. An original redacted hard copy and the electronic version of the Application with exhibits have also been tendered to the Commission.

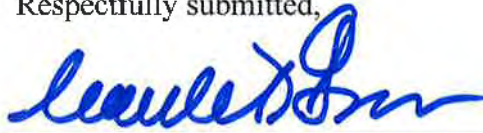
9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Jackson Purchase respectfully requests that the Confidential Information which is the subject of this motion be withheld from public disclosure for a period of five (5) years.

10. 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 have its confidential status 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 five (5) years.

This 13th day of September, 2019.

Respectfully submitted,



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CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, this is to certify that the electronically filed documents are true and accurate copies of the same documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on September 13, 2019; that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means; and that the original versions of the documents transmitted electronically will be filed with the Commission in paper medium within two business days from the date of the electronic filing.



Counsel for Jackson Purchase Energy Corporation