

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF JACKSON PURCHASE)	CASE NO.
ENERGY CORPORATION FOR APPROVAL UNDER)	2020-00339
KRS 278.218 TO TRANSFER OWNERSHIP OF EXISTING)	
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 approving the transfer of ownership of Jackson Purchase’s existing headquarters facility. Jackson Purchase intends to sell the existing headquarters facility to a third-party purchaser.

2. As part of its Application, Jackson Purchase has included the purchase price along with the appraised value of the existing headquarters facility. Jackson Purchase has also provided the Real Estate Purchase Agreement and the Appraisal Report. 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 appraised value and selling price of the existing headquarters facility in this case could provide an unfair commercial advantage to other potential future purchasers of the property (in the event the current sales transaction doesn’t close or the Commission denies the instant request) thereby causing financial harm to Jackson Purchase and its members.

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. Nor does Jackson Purchase object to the selling price and appraised value being made public once the sales transaction finally closes.

7. 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.

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 a period of ten 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 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 time periods described above.

This 22nd day of October, 2020.

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 October 22, 2020; 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 thirty days of the current state of emergency due to COVID-19 being lifted.



Counsel for Jackson Purchase Energy Corporation