

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

In the Matter of:

ELECTRONIC APPLICATION OF JACKSON PURCHASE	)	
ENERGY CORPORATION FOR A GENERAL ADJUSTMENT	)	Case No.
OF RATES AND OTHER GENERAL RELIEF	)	2021-00358

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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 in the above-styled matter. In support of this request, Jackson Purchase states as follows:

1. On October 15, 2021, Jackson Purchase filed its Application in this matter. Previously, on October 6, 2021, Commission Staff 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 certain proprietary, personal, confidential, sensitive, and commercially valuable information (“Confidential Information”). The Confidential Information for which Jackson Purchase seeks relief is a 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 Commission Staff's requests for information.

3. The Confidential Information includes private, cooperative-wide current and 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 skilled workforce, the public disclosure of the delicate and protected employee compensation information would unfairly harm Jackson Purchase's competitive position in the marketplace for utility management and such skilled workforce.

4. The item for which Jackson Purchase requests confidential treatment warrants protection from open viewing and distribution. The employee-specific wage and salary information provided in response to Item 21 of the Commission Staff'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. Because the Confidential Information is so pervasive that it is impractical for Jackson Purchase to permit individual redaction due to the fact that virtually every portion contains confidential and proprietary information which would result in a version that would be unreadable, Jackson Purchase is filing an electronic, completely redacted version of its responses to the relevant request for information. Jackson Purchase is requesting confidential treatment for the Confidential Information in its entirety pursuant to 807 KAR 5:001, Section 13(2)(a)3.b. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Jackson Purchase is filing one copy of the Confidential Information separately under seal. The filing of the Confidential Information is noted in the public version of Jackson Purchase's response to Request 21.

8. Also, 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 29<sup>th</sup> day of October, 2021.

Respectfully submitted,

*Mark David Goss*

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