

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

JACKSON PURCHASE ENERGY CORPORATION'S
MOTION FOR CONFIDENTIAL TREATMENT

Comes now Jackson Purchase Energy Corporation (“Jackson Purchase”), by and through 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 information filed in its Responses to the Kentucky Attorney General’s (“AG”) First Request for Information (“Request” or “Requests”) in the above-captioned proceeding, respectfully states as follows:

1. Jackson Purchase’s Application in the above-styled proceeding was deemed filed on October 15, 2021.
2. On November 15, 2021 the AG propounded a First Request for Information to Jackson Purchase.
3. Request No. 42 of the First Request for Information states as follows:

Refer to the response to Staff Request for Information 1b. Provide the most recent 5 years of the National Rural Utilities Cooperative Finance Corporation's Key Ratio Trend Analysis national cooperative comparison.

4. In response to Request No. 42 Jackson Purchase is filing the Cooperative Financing Corporation's ("CFC") Key Ratio Trend Analysis ("KRTA") for the past five years, 2016-2020, in its entirety under seal since, by this Motion, Jackson Purchase is seeking their confidential treatment. These KRTAs are hereinafter collectively referred to as the "Confidential Information."

5. Because the Confidential Information is so pervasive it is impractical for Jackson Purchase to file a redacted version of each year's KRTA into the public record due to the fact that virtually every provision contains confidential and proprietary information, resulting in a redacted version that would be essentially unreadable. Therefore, Jackson Purchase is requesting confidential treatment for the each of the five KRTAs in their entireties 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 No. 42.

6. The Confidential Information is retained by Jackson Purchase on a "need-to-know" basis and is not publicly available. The Confidential Information is comprised of very detailed analyses and comparisons of electric cooperatives in the United States describing such things as financial, revenue/expense, growth and other ratios which were generated using formulas, computations and information which are confidential and proprietary to Jackson Purchase and CFC. Moreover, these materials are protected by copyright and other laws, and have been furnished by CFC to Jackson Purchase solely for Jackson Purchase's own business purposes. The Confidential Information also contains certain business-sensitive financial information which, if

disclosed to the public in any manner, could unfairly and irrevocably prejudice Jackson Purchase by disclosing terms which could be utilized by Jackson Purchase's current and future contractors, or similarly by industry competitors, to their substantial commercial advantage by being able to use Jackson Purchase's financial and operational standing relative to other similarly-situated cooperatives to leverage favorable contract terms, including price, for various goods and services. KRS 61.878(1)(c)1 clearly provides that such information is excluded from release to the public.

7. The Kentucky Open Records Act generally exempts the Confidential Information from public disclosure. *See* KRS 61.878(1). Moreover, 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). Because the Confidential Information is critical to Jackson Purchase's effective execution of business decisions and strategy, it satisfies both the statutory and common law standards for being afforded confidential treatment.

8. The AG has intervened in this case. Jackson Purchase is willing to provide the Confidential Information pursuant to a duly executed confidentiality agreement between it and the AG.

9. In accordance with the provisions of 807 KAR 5:001, Section 13(3), Jackson Purchase respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years which coincides with the passage of time that Jackson Purchase believes any prejudice to its business operations would cease to be of concern.

WHEREFORE, on the basis of the foregoing, Jackson Purchase respectfully requests the Commission to enter an Order granting this Motion for Confidential Treatment and to so afford

such protection from public disclosure to the unredacted copies of Confidential Information, which is filed herewith under seal, for the period set forth herein.

This 28th day of November, 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on November 28, 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be filed.

Mark David Goss

Counsel for Jackson Purchase Energy Corp.