

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

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 documents filed in response to a request for information in the above-captioned proceeding, respectfully states as follows:

1. Jackson Purchase filed its Application in this matter on October 15, 2021. The Attorney General’s Office of Rate Intervention (“AG”) filed its Second Request for Information (“AG’s Second Request”) on December 14, 2021.

2. Request No. 22 from the AG’s Second Request states as follows:

22. Provide a similar comparison of all subsequent bids received for ROW maintenance and indicate which bids were selected from those received.

3. In its response to Request No. 22, Jackson Purchase is providing a copy of its bid tabulation sheets, which include information that is responsive to the request for information.

4. The information tendered by Jackson Purchase in response to Request No. 22 of the AG’s Second Request is being tendered in redacted form in the public version of Jackson

Purchase's filing and in an unredacted form filed under seal herewith. Collectively, this information and these documents are hereinafter referred to as the "Confidential Information."

5. The Confidential Information contains extensive information received and generated by Jackson Purchase in the course of conducting bid solicitations for vegetation management work. This information is commercially sensitive and proprietary. More specifically, the Confidential Information includes: bid specifications received from third-party bidders and pricing data for bids received from third-party bidders.

6. The Confidential Information is retained by Jackson Purchase on a "need-to-know" basis and is not publicly available. If disclosed, the Confidential Information would give potential vendors and competitors a tremendous competitive advantage in the course of ongoing and future negotiations for vegetation management contracts. These market advantages would likely translate into higher costs for Jackson Purchase and, by extension, detrimentally higher rates for Jackson Purchase's customers. Thus, disclosure of the Confidential Information would be highly prejudicial to Jackson Purchase, Jackson Purchase's customers and the third-party bidders.

7. The Kentucky Open Records Act exempts the Confidential Information from public disclosure. *See* KRS 61.878(1)(c). As set forth above, disclosure of the Confidential Information would permit an unfair advantage to third parties. 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 vegetation management contracts, business decisions and strategy, it satisfies both the statutory and common law standards for being afforded confidential treatment.

8. Jackson Purchase does not object to limited disclosure of the Confidential Information, pursuant to an acceptable confidentiality and nondisclosure agreement, to the Attorney General or any other intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

9. 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. 22 of the AG's Second Request and includes redacted copies of such information.

10. 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 years. This will assure that the Confidential Information – if disclosed after that time – will be less likely to include information that continues to be commercially sensitive so as to impair the interests of Jackson Purchase if publicly disclosed. However, Jackson Purchase reserves the right to seek an extension of the grant of confidential treatment if it is necessary to do so at that time.

WHEREFORE, on the basis of the foregoing, Jackson Purchase respectfully requests the Commission to enter an Order granting this Motion for Confidential Treatment and protect from public disclosure the unredacted copies of Confidential Information, which is filed herewith under seal, for a period of ten years from the date of entry of such an Order.

This 3rd day of January, 2022.

Respectfully submitted,

Mark David Goss

Mark David Goss
L. Allyson Honaker
GOSS SAMFORD, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740
mdgoss@gosssamfordlaw.com
allyson@gosssamfordlaw.com

Counsel for Jackson Purchase Energy Corporation

CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on January 3, 2022 and 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 made.

Mark David Goss

Counsel for Jackson Purchase Energy Corporation