

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

In the Matter of:

THE ELECTRONIC APPLICATION OF	)	
JACKSON PURCHASE ENERGY CORPORATION	)	CASE NO.
FOR A GENERAL ADJUSTMENT OF RATES	)	2024-00085

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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 and the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (“Attorney General”), in the above-styled matter. In support of this request, Jackson Purchase states as follows:

1. On April 1, 2024, Jackson Purchase filed its Notice of Intent to file a general adjustment of rates and filed its Application on May 1, 2024. Prior to filing the Application, Commission Staff issued its First Request for Information (“Staff’s First Requests”) to Jackson Purchase on April 12, 2024. Included in Commission Staff’s First Request, it was stated, “Jackson Purchase Energy shall make timely amendment to any prior response if Jackson Purchase Energy Obtains information that indicates the response was incorrect or incomplete when made or, though correct or complete when made, is now incorrect or incomplete in any material respect.”

2. On May 21, 2024, the Commission granted the Attorney General’s request to intervene in these proceedings and on May 29, 2024, the Attorney General issued its First Request for Information (“Attorney General’s First Request”). Contained in that request it was stated, “These requests shall be deemed continuing so as to require further and supplemental responses if the company receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.”

3. Jackson Purchase is now filing an updated response to Staff’s First Request, Item 24 to reflect additional information that was correct when originally filed but has changed during the pendency of this proceeding. Jackson Purchase is now filing an updated response to the Attorney General’s First Request, Item 10 to reflect a supplemental response because of additional information.

4. Jackson Purchase requests the Commission to afford confidential protection to certain information being filed by Jackson Purchase in response to Staff’s First Request, Item 24 and to the Attorney General’s First Request, Item 10. The information provided is proprietary, personal, confidential, sensitive, and commercially valuable information. This information is collectively referred to as the “Confidential Information.” The response to Staff’s First Request, Item 24 contains a contract between Jackson Purchase and the International Brotherhood of Electrical Workers (“IBEW”) and an updated forecast for labor costs. The response to the Attorney General’s First Request, Item 10 contains a termination letter from a large customer on Jackson Purchase’s system.

5. The Kentucky Open Records Act and applicable precedent exempts the Confidential Information from disclosure, including 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). As stated above, the public disclosure of the Confidential Information would potentially harm Jackson Purchase's competitive position in the marketplace which would be to the detriment of Jackson Purchase and its members. Additionally, the Confidential Information is personal in nature and if disclosed would be an invasion of privacy. For these reasons, the Confidential Information satisfies both the statutory and common law standards for affording confidential treatment.

6. The attachments to the response to Staff's First Request, Item 24 contains a contract that has been negotiated locally with the IBEW and Jackson Purchase. This contract has not been ratified by the national IBEW. Jackson Purchase is also providing an updated forecast for labor expenditures based upon this new contract. Jackson Purchase is requesting confidential protection of the contract and forecast until the contract has been ratified at the national level. If disclosed before it is fully executed Jackson Purchase would face an unfair commercial disadvantage.

7. The attachment to the response to the Attorney General's First Request, Item 10 contains a termination letter from a large customer on Jackson Purchase's system. Jackson Purchase is requesting confidential treatment of portions of this letter that identify the name and location of the customer pursuant to KRS 61.878(1)(a). If this information were disclosed, it would be an invasion of the privacy right of the customer.

8. Jackson Purchase does not object to limited disclosure of the Confidential Information, pursuant to an acceptable confidentiality and nondisclosure agreement, to intervenors with a legitimate interest in reviewing same for the sole purpose of participating in this case. Jackson Purchase reserves the right to object to providing the Confidential Information to any intervenor if said provision could result in liability to Jackson Purchase under any Confidentiality Agreement or Non-Disclosure Agreement.

9. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Jackson Purchase is filing separately under seal one (1) unredacted copy of the Confidential Information provided in response to Staff's First Request, Item 24. The documents do not contain highlights because confidential protection is requested for the entirety of the documents. The filing of the confidential information is noted in the public response. Jackson Purchase is providing a highlighted version of the response to the Attorney General's First Request, Item 10 and a redacted version in the public filing.

10. Also, in accordance with the provisions of 807 KAR 5:001 Section 13(2), Jackson Purchase respectfully requests that the Confidential Information in the response to Staff's First Request, Item 24 be withheld from public disclosure for a period of one (1) year, or until the contract is fully executed. Jackson Purchase is requesting indefinite confidential protection for the documents provided in response to the Attorney General's First Request, Item 10.

11. 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 one (1) year or until the contract is fully executed for the response to Staff's First Request, Item 24 and indefinite confidential protection for the information provided in response to the Attorney General's First Request, Item 10.

This the 10<sup>th</sup> day of December 2024.

Respectfully submitted,

*Heather S. Temple*

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**CERTIFICATE OF SERVICE**

This is to certify that the electronic filing was transmitted to the Commission on December 10, 2024 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.

*Heather S. Temple*

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