

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF JACKSON	)	
ENERGY COOPERATIVE CORPORATION FOR	)	CASE NO.
A GENERAL ADJUSTMENT OF RATES PURSUANT	)	2024-00324
TO 807 KAR 5:078	)	

---

**MOTION FOR CONFIDENTIAL TREATMENT FOR CERTAIN  
INFORMATION REQUESTED IN ATTORNEY GENERAL’S DATA REQUESTS**

---

Comes now Jackson Energy Cooperative Corporation (“Jackson Energy”), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and all other applicable law, and moves the Commission to afford confidential treatment to certain information and documents filed by Jackson Energy in conjunction with its responses to the Attorney General’s data requests. In support of this motion, Jackson Energy states as follows:

1. On October 2, 2024, Jackson Energy filed its Notice of Intent to file an application for an adjustment of its rates pursuant to the streamlined procedures contained in 807 KAR 5:078.
2. On December 26, 2024, the Commission accepted Jackson Energy’s application for an adjustment of rates and granted its motion for deviation from certain requirements set forth in 807 KAR 5:047.
3. On January 13, 2025, after having been granted intervention in this matter, the Attorney General filed a set of data requests to Jackson Energy pertaining to its application for an adjustment in rates.

4. By this motion, Jackson Energy requests confidential treatment for certain information and documents requested by the Attorney General in its data requests (the “Confidential Information”). Specifically, Jackson Energy seeks confidentiality for the titles of the positions requested in the following data requests of the Attorney General: 5 (a), (d), (e) and (f); 6 (a), (d), (e) and (f); and 7 (a), (d), (e) and (f). These requests seek the disclosure of compensation information for individuals employed by Jackson Energy. Providing titles for these positions, even without providing names, would identify the employees and constitute an unwarranted invasion of privacy. Furthermore, the public disclosure of this information would unfairly harm Jackson Energy with its competitive position since it must compete with other employers for the hiring and retention of employees.

5. The wage and salary information responsive to the above-referenced data requests is private information that is commercially valuable. The information is retained by Jackson Energy in a confidential manner is only disseminated to those holding select positions who must have access for business reasons. This type of wage and salary information is generally recognized as confidential and proprietary in the utility industry and in other industries.

6. Jackson Energy also request confidential treatment for request number 9 in the Attorney General’s data requests. That request seeks copies of wage and salary studies which were created by a third-party consultant. Those studies are confidential and proprietary in nature and would likewise result in the disclosure of information that is personal and maintained in confidence by Jackson Energy.

7. KRS 61.878(1)(c) 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. See also 807 KAR 5:001, Section 13. The wage and salary information sought by the Attorney General’s data requests are information that is usually recognized as confidential or proprietary and public disclosure would constitute an undue invasion of privacy and place Jackson Energy at a competitive disadvantage.

6. 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).

7. Jackson Energy is requesting confidential treatment for the titles of the personnel for which information is sought by the Attorney General by redacting the titles of those employees. Unredacted records will be filed with the Commission under seal and provided to the Attorney General pursuant to the terms of a confidentiality agreement pursuant to 807 KAR 5:001, Section 13(2)(a).

8. With respect to the wage and salary studies, because the Confidential Information is pervasive and redaction is not a viable option since nearly the entire documents would be redacted, Jackson Energy is requesting confidential treatment for the entirety of the documents pursuant to 807 KAR 5:001, Section 13(2)(a). For this reason, a redacted version of the wage and salary studies is not being filed. In

accordance with 807 KAR 5:001, Section 13(2), Jackson Energy is filing one copy of the wage and salary study under seal with the Commission and a copy is being sent to the Attorney General pursuant to the terms of a confidentiality agreement.

9. In accordance with 807 KAR 5:001, Section 13(2), Jackson Energy requests that the Confidential Information be withheld from public disclosure for a period of ten (10) years.

10. If, and to the extent, the information for which confidentiality is sought become publicly available or no longer warrants confidential treatment, Jackson Energy will notify the Commission and seek to have confidential protection removed, pursuant to 807 KAR 5:001, Section 13(10).

Wherefore, Jackson Energy respectfully requests that the Commission classify and protect the Confidential Information identified herein for a period of ten (10) years.

Respectfully submitted by,

*Clayton O. Oswald*

---

Clayton O. Oswald  
Taylor, Keller & Oswald, PLLC  
1306 W. 5<sup>th</sup> St., Ste. 100  
P.O. Box 3440  
London, KY 40743-3440  
(606) 878-8844  
[coswald@tkolegal.com](mailto:coswald@tkolegal.com)  
*Counsel for Jackson Energy*

## **CERTIFICATION**

The undersigned counsel hereby certifies that this document was filed electronically with the Commission on January 29, 2025 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.

*Clayton O. Oswald*

\_\_\_\_\_  
Clayton O. Oswald

*Counsel for Jackson Energy*