

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                       | ) |            |

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**MOTION FOR CONFIDENTIAL TREATMENT**

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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 application for a rate adjustment. 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. Jackson Energy is filings its application for an adjustment in rates contemporaneously with the filing of this motion for confidential treatment.
3. As part of its application for an adjustment in rates, 807 KAR 5:078, Section 3(6) requires the applicant to submit “[a]ll current agreements related to vegetation management, as well as a statement identifying any changes that occurred since the cooperative’s base rate adjustment to the cooperative’s policies on vegetation management, indicating the effective date and reason for these changes.

4. By this motion, Jackson Energy requests the Commission afford confidential treatment to its contracts for vegetation management. The information sought is proprietary, confidential, sensitive and commercially valuable information. The vegetation management contracts are a result of a sealed bidding process as required by the Rural Utilities Service to ensure that the bids are competitive and result in the lowest possible cost to Jackson Energy. Disclosure of the vegetation management contracts would allow contractors engaged in the business of vegetation management access to current pricing which may affect future bids and may result in a less competitive bidding process and more costly vegetation management to the detriment of Jackson Energy and its members.

5. 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 vegetation management contracts are a result of a competitive bidding process, and such contracts are usually recognized as confidential or proprietary and public disclosure of the contracts would permit an unfair advantage to competitive bidders.

6. The Kentucky Open Records Act and applicable precedent exempts the subject vegetation management contracts 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).

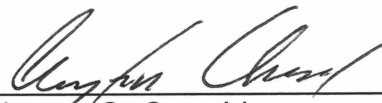
7. Jackson Energy is requesting confidential treatment for the entirety of the vegetation management contracts being filed under seal pursuant to 807 KAR 5:001, Section 13(2)(a). For that reason, a redacted version of the contracts is not being filed. In accordance with the requirements of 807 KAR 5:001, Section 13(2), Jackson Energy is filing one copy of the contracts separately under seal, without highlights since confidential protection for the entire documents is being sought.

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

9. 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 vegetation management contracts described herein for a period of ten (10) years.

Respectfully submitted by,




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**CERTIFICATION**

The undersigned counsel hereby certifies that this document was filed electronically with the Commission on November 8, 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.

  
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