

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF JACKSON	)	
PURCHASE ENERGY CORPORATION FOR A	)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	2019-00326
NECESSITY TO CONSTRUCT A NEW	)	
HEADQUARTERS FACILITY	)	

ORDER

This matter arises on a motion filed by Jackson Purchase Energy Corporation (Jackson Purchase), pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting confidential treatment for certain portions of Jackson Purchase’s application for a Certificate of Public Convenience and Necessity to Construct a New Headquarters Facility (Application) for five years. In particular, Jackson Purchase states that, as a part of its Application, it attached a locational map, specifications, drawings and other visual documents showing the location of the facilities it proposes to acquire and generally describing how those facilities will be altered to accommodate the revised design of the new headquarters. Jackson Purchase further states that it has also included detailed data regarding the purchase price, square footage, current condition, name of current owner, anticipated cost of construction, amount of borrowing associated with the project and other relevant and sensitive identifying information on the property to be acquired.

Jackson Purchase maintains that the information sought to be treated as confidential contains proprietary and commercially sensitive information that is retained by Jackson Purchase on a need-to-know basis and is not publically available. Jackson

Purchase asserts that the information, if disclosed, would give prospective construction bidders a business advantage as to submitted bids for construction. Jackson Purchase also asserts that the disclosure of the information would identify the property to be acquired to third parties, which would put Jackson Purchase in an unfair commercial disadvantage and would be a breach of the confidentiality clause of the Letter of Intent entered into by Jackson Purchase and the current owners of the property.

Having carefully considered the motion and the material at issue, the Commission finds that only the designated information of the purchase price of the proposed headquarters, the anticipated cost of construction, and the estimated net cost of the proposed headquarters for which Jackson Purchase seeks confidential treatment meet the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). The Commission finds that this designated information should not be placed in the public record or made available for public inspection until such time as the real estate transactions have closed and until such time as the construction costs become final, rather than the five years as requested by Jackson Purchase. All other information designated by Jackson Purchase in its request for confidential treatment does not meet the criteria for confidential treatment and is not exempt pursuant to KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Jackson Purchase's motion for confidential protection is granted to the extent that the information specifically identified by the Commission herein as confidential will not be publicly disclosed at this time.

2. Jackson Purchase's request to keep the information identified out of the public record and not be subject to public inspection for five years is denied.

3. The specific materials identified by the Commission as meeting the criteria for confidential treatment and exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) shall not be placed in the public record or made available for public inspection until such time as the real estate transactions have closed and until such time as the construction costs become final. Within five days from each of the dates of the closing of the real estate transactions and the date when the construction costs become final, Jackson Purchase shall submit written notification to the Commission, advising either that the information discussed herein no longer qualifies for confidential treatment or requesting that the information continue to be treated as confidential and demonstrating that the information still falls within the exclusions established in KRS 61.878.

4. All those materials not specifically identified by the Commission herein as meeting the criteria for confidential treatment are not exempt from public disclosure and shall be placed in the public record or made available for public inspection.

5. If Jackson Purchase objects to the time limits that the Commission has placed on the confidential treatment for the information in question or the Commission's determination that certain requested information not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the materials are afforded confidential treatment and which materials should be granted

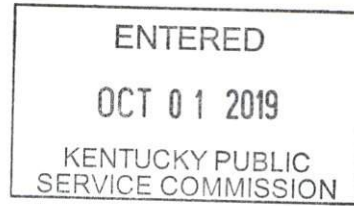
confidential treatment. Jackson Purchase will be required to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of materials in question after the end of the period set forth in ordering paragraph 3 of this Order.

6. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

7. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Jackson Purchase shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Jackson Purchase is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

8. The Commission shall not make the requested materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Jackson Purchase to seek a remedy afforded by law.

By the Commission



ATTEST:

  
Executive Director

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