

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On July 12, 2024, Jackson Purchase Energy Corporation, (Jackson Purchase Energy) filed an amended motion,<sup>1</sup> pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for the entirety of its response to the Attorney General’s First Request for Information (Attorney General’s First Request), Item 26d, for the third-party right of way (ROW) bids that were not selected by Jackson Purchase Energy, for ten years pursuant to KRS 61.878(1)(c)(1).

In support of its motion, Jackson Purchase Energy argued that its response to the Attorney General’s First Request, Item 26(d), contains multiple bids for a third-party ROW management contract.<sup>2</sup> Jackson Purchase Energy argued it operates in a competitive environment, especially with regards to obtaining contractors to perform ROW management, and the information contained in the response to Attorney General’s First

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<sup>1</sup> The Commission issued an Order on July 2, 2024, denying confidential treatment for Jackson Purchase Energy’s response to the Attorney General’s First Request for Information, Item 26(d) but allowing Jackson Purchase Energy leave to refile the motion and differentiate between the winning and losing ROW bids.

<sup>2</sup> Motion (filed July 12, 2024) at 1, paragraph 2.

Request, Item 26(d), is commercially valuable and proprietary information<sup>3</sup> that is retained by Jackson Purchase Energy on a need-to-know basis, and is generally recognized as confidential and proprietary in the utility industry.<sup>4</sup>

Having considered the motion and the material at issue, the Commission finds that Jackson Purchase Energy's response to the Attorney General's First Request, Item 26(d) is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Jackson Purchase Energy's July 12, 2024 motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Jackson Purchase Energy shall inform the Commission and file with the Commission an unredacted copy of the designated material.

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<sup>3</sup> Motion at 2, paragraph 4.

<sup>4</sup> Motion at 2, paragraph 5.

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

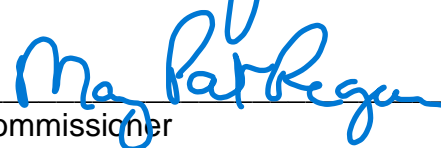
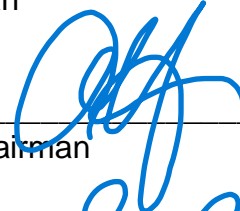
6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Jackson Purchase Energy to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION

\_\_\_\_\_  
Chairman

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Vice Chairman

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Commissioner



ATTEST:



Executive Director

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