

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 December 10, 2024, Jackson Purchase Energy Corporation (Jackson Purchase Energy) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for updated information and documents filed by Jackson Purchase Energy in response to Commission Staff's First Request for Information (Staff's First Request), Item 24, and the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General) First Request for Information (Attorney General's First Request), Item 10, in the above-styled matter.

LEGAL STANDARD

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884."¹ The exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.² The

¹ KRS 61.872(1).

² See KRS 61.871.

party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.³ In determining whether materials should be exempt from disclosure, the Commission must balance the potential harm from disclosure with "the effect of protecting a given document from scrutiny by the public and potential intervenors."⁴

DISCUSSION AND FINDINGS

In support of its motion, Jackson Purchase Energy argued that the response to Staff's First Request, Item 24, contained a contract that had been negotiated locally with the International Brotherhood of Electrical Workers (IBEW) and Jackson Purchase Energy and had not been ratified by the national IBEW.⁵ However, in a subsequent filing on February 3, 2025, Jackson Purchase Energy provided the ratified contract between Jackson Purchase Energy and the national IBEW,⁶ and confirmation that the contract no longer needed confidential treatment.⁷

Having considered the motion and the material at issue, the Commission finds that the motion for confidential treatment in response to Commission Staff's First Request, Item 24, is moot.

³ 807 KAR 5:001, Section 13(2)(c).

⁴ Case 2018-00153, *Electronic Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and Assumption of Obligations and an Order Amending and Extending Existing Authority with Respect to Revolving Line of Credit* (Ky. PSC Aug. 22, 2018) at 2, citing *Southeastern United Medigroup, Inc. v. Hughes*, 952 S.W .2d 195, 199 (Ky. 1997), *abrogated on other grounds by Hoskins v. Maricle*, 150 S.W .3d 1 (Ky. 2004).

⁵ Jackson Purchase Energy's Motion for Confidential Treatment (filed Dec. 10, 2025) at 3, paragraph 6.

⁶ Final Union Contract (filed Feb. 3, 2025).

⁷ Letter RE: *The Electronic Application of Jackson Purchase Energy Corporation for a General Adjustment of Rates and Other General Relief* Case No. 2024-00085 (filed Feb. 3, 2025).

Jackson Purchase Energy also argued that an updated response to the Attorney General's First Request, Item 10, contained a termination letter from a large customer on Jackson Purchase Energy's system, that if the information were disclosed, it would be an invasion of the privacy right of the customer.⁸ Therefore, Jackson Purchase Energy requested confidential treatment for an indefinite period for portions of the letter that identify the name and location of the customer pursuant to KRS 61.878(1)(a).⁹

Having considered the motion and the material at issue, the Commission finds that the redacted portions of this letter are generally recognized as private customer information; 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)(a).

IT IS THEREFORE ORDERED that:

1. Jackson Purchase Energy's December 10, 2024 motion for confidential treatment for the supplemental response to Staff's First Request, Item 24, is moot.
2. Jackson Purchase Energy's December 10, 2024 motion for confidential treatment for the supplemental response to the Attorney General's First Request, Item 10, is granted.
3. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further order of this Commission.

⁸ Jackson Purchase Energy's Motion for Confidential Treatment at 3, paragraph 7.

⁹ Jackson Purchase Energy's Motion for Confidential Treatment at 3, paragraph 7.

4. 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).

5. 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.

6. 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.

7. 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.

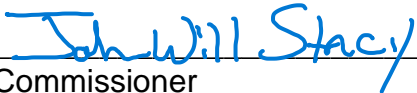
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director

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KENTUCKY PUBLIC
SERVICE COMMISSION

*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KENTUCKY 40509

*Meredith Kendall
Jackson Purchase Energy Corporation
6525 US Highway 60 W
Paducah, KY 42001

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Greg Grissom
Jackson Purchase Energy Corporation
6525 US Highway 60 W
Paducah, KY 42001

*Heather Temple
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KENTUCKY 40509

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Jackson Purchase Energy Corporation
6525 US Highway 60 W
Paducah, KY 42001