

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF THE CINCINNATI )  
SMSA LIMITED PARTNERSHIP FOR THE )  
ISSUANCE OF A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO PROVIDE A NEW DOMESTIC PUBLIC )  
CELLULAR RADIO TELECOMMUNICATIONS ) CASE NO. 8916  
SERVICE TO THE PUBLIC IN THE )  
GREATER CINCINNATI METROPOLITAN )  
AREA INCLUDING ALL, OR PARTS OF )  
BUTLER, CLERMONT, HAMILTON AND )  
WARREN COUNTIES IN OHIO, BOONE, )  
CAMPBELL, GALLATIN, AND KENTON )  
COUNTIES IN KENTUCKY )

ORDER

On February 9, 1984, the Commission issued an Order granting Cincinnati SMSA a certificate of public convenience and necessity to construct and operate a cellular radio telecommunications system. Therein, the Commission reserved for future ruling the question of permanent confidential treatment of certain documents submitted by Cincinnati SMSA and the transcript of the hearing in this case.

In determining whether or not the material submitted by Cincinnati SMSA should be treated as confidential commercial information, the Commission must balance the public's interest in full disclosure against possible harm to private, competitive

interests resulting from such disclosure.<sup>1</sup> There is clearly evidence in this case that actual competition exists and that there is a likelihood of competitive harm to Cincinnati SMSA if full disclosure is granted. That evidence is the intervention of Midwest Mobilephone Corporation ("Midwest") in this case and its opposition to the granting of the certificate. At the hearing in this matter, the president of Midwest's parent corporation was sitting in the audience. He subsequently left when the hearing was declared closed to protect Cincinnati SMSA's pricing information. The Commission agrees with Cincinnati SMSA that this person was not in the room "just to pass the time." This clear attempt by a probable competitor of Cincinnati SMSA to obtain pricing information from Cincinnati SMSA indicates that there is clearly competition in this area. Moreover, it stands to reason that disclosing price information to a competitor in the same service area is likely to produce competitive harm to the one making the disclosure. Midwest does not require access to this pricing information in order to make its case against the grant of the certificate to Cincinnati SMSA.

For the reasons set forth above, the Commission finds that Cincinnati SMSA has shown good cause in support of its claim that the competitive pricing information submitted by it should be kept confidential.

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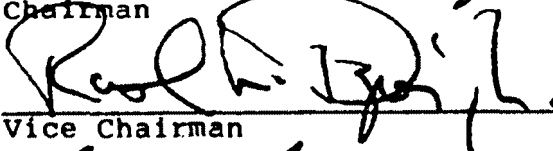
<sup>1</sup> Federal Communications Commission v. Schreiber, 381 U.S. 279 (1965).

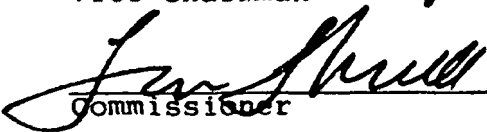
IT IS THEREFORE ORDERED that the confidential material submitted by Cincinnati SMSA and the transcript of the December 15, 1983, hearing in this case shall remain confidential.

Done at Frankfort, Kentucky, this 6th day of February, 1985.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Secretary