

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF BLUE GRASS)	
MANAGEMENT GROUP, INC. TO TRANSFER)	
51 PERCENT INTEREST OF TMC OF LEXINGTON)	CASE NO.
TO JTC COMMUNICATIONS CORPORATION (NOW)	89-038
J.T. CARNEAL), AND FOR AUTHORIZATION TO)	
PROVIDE RESALE OF TELECOMMUNICATIONS)	
SERVICES)	

O R D E R

This matter arising upon the joint petition of TMC of Lexington, ("TMC"), and J.T. Carneal, filed July 10, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of Exhibit D to the application, and it appearing to the Commission as follows:

On June 28, 1989, the Commission entered an Order approving the application transferring ownership and control of TMC. In the application for the transaction, TMC and J.T. Carneal requested that the documents, attached as Exhibit D to the application, be treated as confidential. The June 28, 1989 Order directed TMC and J. T. Carneal to supplement their petition with a statement specifying reasons for believing that disclosure of the information sought to be protected would harm them.

In their Supplemented Petition, TMC and J.T. Carneal state that the exhibit contained information relative to the financial resources and condition of J.T. Carneal and TMC of Lexington and that its disclosure could result in competitive injury to them.

To qualify for confidential treatment under 807 KAR 5:001, Section 7, it must be established that disclosure may result in competitive injury to the person possessing the information by providing the possessor's competitors an unfair business advantage. The petition must therefore state or explain how disclosure of the information can result in injury to the petitioner. No such explanation is contained in the petition; therefore, it should not be granted.

IT IS THEREFORE ORDERED that:

1. The petition by J.T. Carneal and TMC for confidential protection of the information contained in Exhibit D to the application shall be held in abeyance an additional ten days to allow the Petition for Confidentiality to be supplemented with a statement setting forth with specificity the reasons that disclosure of the information sought to be protected will cause TMC and J.T. Carneal competitive injury.

2. If such statement is not filed within ten days, the Petition for Confidentiality, shall, without further Orders herein, be denied.

Done at Frankfort, Kentucky, this 3rd day of August, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:

Executive Director


Commissioner