

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PROVISION OF OPERATOR SERVICES )  
BY AMERICALL SYSTEMS OF LOUISVILLE ) CASE NO. 89-132

O R D E R

This matter arising upon the third supplemental petition of AmeriCall Systems of Louisville, ("AmeriCall"), filed September 6, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain information filed with this Commission in accordance with the Commission's Order of June 15, 1989, and it appearing to the Commission as follows:

On May 25, 1989, the Commission entered an Order directing AmeriCall to furnish certain information relating to its operation. AmeriCall filed its response on June 5, 1989. As a part of its response to Items 1, 2, and 3, AmeriCall filed Exhibits A, B, and C separately with a petition for confidentiality of those exhibits. On June 12, 1989, AmeriCall filed supplements to Exhibits A and B together with a supplemental petition of confidentiality for the additional information. On June 15, 1989, the Commission entered an Order directing AmeriCall to respond more fully to Items 1, 3(b), 3(c), 4, 5, and 10 contained in the May 25, 1989 Order. The June 15 Order also requested information additional to that requested originally and denied confidential protection for Exhibits A and C, and all of Exhibit B, except for a contract referred to therein. On June 19,

1989, AmeriCall requested the return of Exhibits A, B and C, including the supplements thereto, and agreed to file the contract referred to in Exhibit B with its responses to the additional requests for information contained in the Order of June 15, 1989.

On June 21, 1989, AmeriCall filed its second supplemental petition for confidentiality requesting protection from disclosure of information filed in response to Item 1, contained in a separate Exhibit A, and information filed in response to Items 4 and 5, contained in a separate Exhibit B. By Order dated August 28, 1989, the Commission found that the second supplemental petition did not state facts, reasons, or other grounds sufficient to support the petition and directed that the petition be held in abeyance for a period of ten days to allow AmeriCall to file a third supplemental petition. That petition was filed on September 6, 1989.

Item 1 directs AmeriCall to provide a complete and accurate listing of all customer accounts to which AmeriCall provides operator services. Public disclosure of this information would allow AmeriCall's competitors to market directly to AmeriCall's customers. AmeriCall has acquired this customer list at great expense and effort, and if its competitors receive this information, they will gain an unfair advantage and cause AmeriCall competitive injury.

Item 4 requires AmeriCall to provide the revenues derived from operator-assisted calls during the most recent available 30-day billing cycle. AmeriCall's competitors can use this information to determine AmeriCall's share of the market and make

strategic decisions regarding operator service operations. Publication of this information would, therefore, give AmeriCall's competitors an unfair advantage and cause AmeriCall competitive injury.

Item 5 requires AmeriCall to provide operator messages billed and revenues billed for each operator service option since May 15, 1988. Possession of this information would allow AmeriCall's competitors to learn valuable information regarding AmeriCall's marketing strategy and operations that they could use to the detriment of AmeriCall.

Further, all the information was developed by AmeriCall at its own expense, is not known outside of AmeriCall, and is not disseminated within AmeriCall except to those with a need to know the information for a business purpose, and it is information that if disclosed to competitors would likely cause substantial harm to the competitive position of AmeriCall.

807 KAR 5:001, Section 7, protects the information as confidential when it is established that disclosure will result in competitive injury to the person possessing the information. Since the information that AmeriCall seeks to protect from public disclosure would cause substantial harm to AmeriCall if known to its competitors, such information is entitled to confidential protection.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

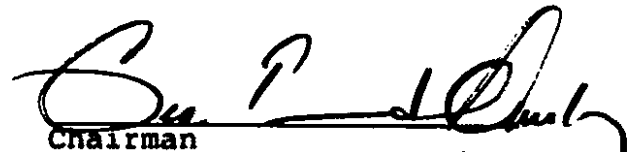
1. The information provided by AmeriCall in response to the May 25, 1989 and the June 15, 1989 Orders of the Commission in

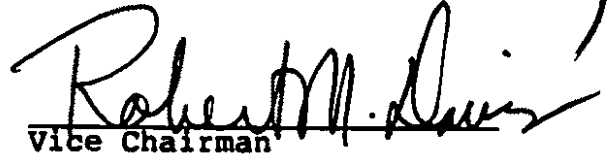
Items 1, 4, and 5 and contained in Exhibits A and B to those responses, which AmeriCall has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. AmeriCall shall, within 10 days of this Order, file an edited copy of Exhibits A and B referred to herein above with the confidential material obscured from inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 2nd day of October, 1989.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Executive Director