

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE REORGANIZATION OF THE SOUTHERN) CASE NO.
OHIO TELEPHONE COMPANY) 89-346

O R D E R

This matter arising upon petition of Southern Ohio Telephone Company ("Southern Ohio") filed January 9, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of Schedules 6 through 12 of its annual report filed as a late-filed Exhibit D to its notice of reorganization on the grounds that disclosure of the information is likely to cause competitive injury, and it appearing to this Commission as follows:

Southern Ohio, a non-wireline cellular telephone company providing cellular telephone service in Ohio and Northern Kentucky, has filed a notice of reorganization. As part of its notice, Southern Ohio has submitted Schedules 6 through 12 of its annual report, which it seeks to protect as confidential on the grounds that public disclosure is likely to cause competitive injury.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when

disclosure of the information gives competitors an unfair business advantage.

The petition filed by Southern Ohio neither demonstrates actual competition nor a likelihood of substantial competitive injury if the information is disclosed. Therefore, the petition cannot be granted.

This Commission being otherwise sufficiently advised,

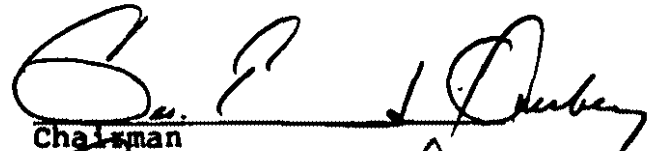
IT IS ORDERED that:

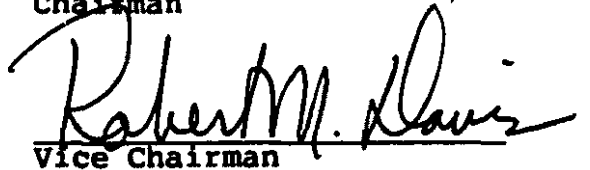
1. The petition by Southern Ohio for confidential protection of Schedules 6 through 12 of its annual report shall be held in abeyance to allow Southern Ohio to supplement its petition with a statement setting forth with specificity the identity of competitors who would gain an unfair advantage from the information and its reasons for believing that disclosure of the information will cause SOTCo substantial competitive injury.

2. If such statement is not filed within 10 days, the petition for confidentiality shall, without further Orders herein, be denied.

Done at Frankfort, Kentucky, this 12th day of February, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director

Commissioner