

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF USA MOBILE	)	
COMMUNICATIONS, INC. II FOR AN	)	CASE NO.
ORDER AUTHORIZING THE ISSUANCE	)	89-352
AND SALE OF SECURITIES	)	

ORDER

This matter arising upon petition of USA Mobile Communications, Inc. II ("USA II") filed August 28, 1990 to reconsider the Order of July 3, 1990 requiring USA II to return to the Commission Exhibit A to USA II's application for the issuance and sale of securities, and it appearing to this Commission as follows:

On November 29, 1989, USA II filed this application for authority to assume the obligations on certain notes described in Exhibit A of the application and to issue and sell notes to certain accredited investors. The purpose of the issuance and sale of the notes was to refinance existing debt and to fund capital improvements and working capital needs of USA II. By petition filed on November 29, 1989 and supplemented on January 18, 1990, USA II requested confidential protection of Exhibit A on the grounds that public disclosure of the information was likely to cause USA II competitive injury. By Order entered April 23, 1990 the petition for confidential protection was denied. Subsequently, on April 26, 1990 USA II requested that Exhibit A be returned and pursuant to 807 KAR 5:001, Section 7(7)(c), the

information was returned to USA II on May 8, 1990.

On July 3, 1990 the Commission, by Order, found that the material contained in Exhibit A was necessary for the completeness of the proceeding and directed USA II to file a complete and unaltered copy of Exhibit A within ten days. Upon motion of USA II the filing date was later extended by Order of the Commission to August 13, 1990. USA II did not file the material by the extended date and on August 28, 1990 requested reconsideration of the July 3, 1990 Order.

The information sought to be protected forms part of the basis upon which the Order of December 15, 1989 granting the application is based. It is therefore an essential part of the record in this proceeding and should be contained therein. Therefore, the petition for reconsideration should be denied.

This Commission being otherwise sufficiently advised,

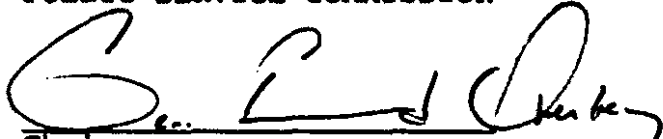
IT IS THEREFORE ORDERED that:

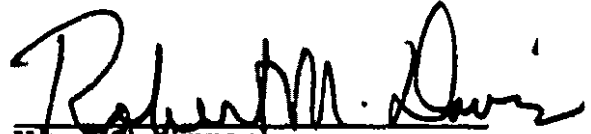
1. The petition to reconsider the Order of July 3, 1990 directing USA II to file Exhibit A to its original application be and is hereby denied.

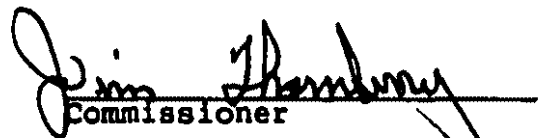
2. USA II shall file a complete and unaltered copy of Exhibit A within 5 days of the date of this Order.

Done at Frankfort, Kentucky, this 17th day of September, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director