COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF LDDS COMMUNICATIONS, INC., LDDS OF INDIANA, INC. AND LDDS OF KENTUCKY, INC. FOR APPROVAL OF FINANCING	)))))	CASE NO. 89-378

O R D E R

This matter arising upon petition of LDDS Communications, Inc. and its wholly-owned subsidiaries LDDS of Indiana, Inc. and LDDS of Kentucky, Inc. (jointly "LDDS"), filed December 28, 1989, and amended January 26, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the financial information described in paragraph 7 of the application and for confidential protection of the information contained in Exhibits I and II of the original application and in Exhibit I of the amended application on the grounds that disclosure is likely to result in substantial competitive harm to LDDS, and it appearing to this Commission as follows:

LDDS seeks to protect as confidential information contained in paragraph 7 of its application and in Exhibits I and II of the original application and in Exhibit I of the amended application on the grounds that disclosure of the information is likely to cause it substantial competitive harm. 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 neither identifies competitors who would benefit from the information sought to be protected nor does it demonstrate how disclosure of the information is likely to result in competitive injury. Therefore, the petition cannot be granted.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition by LDDS for confidential protection of the information sought to be protected shall be held in abeyance to allow LDDS to supplement its petition with a statement identifying competitors who would benefit from public disclosure of the information and setting forth with specificity how the information would be used by such competitors to the competitive detriment of LDDS.

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 31st day of January, 1990.

ATTEST: By the Commission

Executive Director