COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO ALLEGED UNAUTHORIZED RATES AND SERVICES OF AMERICALL SYSTEMS OF LOUISVILLE, INC.	)	CASE NO. 90-026
ALLEGED VIOLATION OF KRS CHAPTER 278	)	

O R D E R

This matter arising upon petition of AmeriCall Systems of Louisville ("AmeriCall") filed April 25, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of Exhibit I of its response to the Subpoena Duces Tecum served April 24, 1990, on the grounds that disclosure is likely to cause AmeriCall competitive injury, and it appearing to the Commission as follows:

AmeriCall has been directed in a Subpoena Duces Tecum issued by the Commission to produce certain documents and information, including the information contained in Exhibit I to its response. The exhibit contains AmeriCall's 1+ customer account numbers and the number of such accounts. This information is not known outside of AmeriCall and is disclosed within AmeriCall only on a "need to know" basis. AmeriCall contends that disclosure of this information is likely to result in competitive injury to AmeriCall.

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. AmeriCall's petition satisfies neither requirement.

Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage. The petition by AmeriCall does not identify any competitor who could use the information sought to be protected. Furthermore, the information consists of a list of account numbers assigned to AmeriCall's 1+ customers. The numbers do not identify the names, addresses, or telephone numbers of the customers and would not have significant competitive value. Therefore, no competitive harm has been established and the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition for confidential protection of AmeriCall's 1+ customer account numbers listed in Exhibit I to its response to the Subpoena Duces Tecum served April 24, 1990, which AmeriCall has petitioned be withheld from public disclosure be and it is hereby denied.

2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five working days from the date of this Order, at expiration of which time it shall be placed in the public record.

Done at Frankfort, Kentucky, this 4th day of June, 1990.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Executive Director