

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MCI TELECOMMUNICATIONS CORPORATION'S)	
PETITION FOR CONFIDENTIAL TREATMENT)	CASE NO.
OF INFORMATION CONTAINED IN ITS)	90-119
1989 ANNUAL REPORT)	

O R D E R

This matter arising upon petition of MCI Telecommunications Corporation ("MCI") filed April 2, 1990 for confidential protection of financial information contained in Attachment No. 1 to the Annual Report on the grounds that disclosure of the information is likely to cause MCI competitive damage, and it appearing to this Commission as follows:

MCI seeks to protect as confidential and proprietary the financial information in Attachment No. 1 to its Annual Report. MCI contends that disclosure of the information would competitively damage MCI.

Information is protected 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. MCI's petition satisfies neither requirement.

Competitive injury occurs when disclosure of the information sought to be protected gives competitors an unfair business advantage. The petition does not identify MCI competitors who

would benefit from the information contained in the report. Furthermore, the information is presented in summary form and does not contain sufficient detail to be of competitive value. Therefore, no competitive injury has been established and the petition should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition for confidential protection of the financial information contained in Attachment No. 1 to the Annual Report be and it hereby is 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 the expiration of which time it shall be placed in the public record.

Done at Frankfort, Kentucky, this 21st day of May, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director