

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LITEL TELECOMMUNICATIONS CORPORATION'S )  
PETITION FOR CONFIDENTIAL TREATMENT ) CASE NO.  
OF INFORMATION CONTAINED IN ITS 1989 ) 90-137  
ANNUAL REPORT )

O R D E R

This matter arising upon petition of LiTel Telecommunications Corporation ("LiTel") filed May 7, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of LiTel's Annual Report Form T, and the data used in conjunction with the report, on the grounds that disclosure of the information is likely to cause LiTel competitive injury, and it appearing to this Commission as follows:

LiTel has petitioned the Commission for confidential protection of the information set forth in its Annual Report Form T. LiTel maintains that the report contains cost-of-service information which would allow LiTel's competitors to learn valuable pricing information not otherwise available that could be used in the marketing of their services to the detriment of LiTel. LiTel also maintains that the report contains expense and tax information which would allow LiTel's competitors to learn valuable marketing information not otherwise available, which could also be used in the marketing of their services to the detriment of LiTel.

The information sought to be protected is not known outside of LiTel and is not disseminated within LiTel except to those employees who have a legitimate business need to know and act upon the information. LiTel seeks to preserve the confidentiality of this information through all appropriate means.

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. The petition filed by LiTel satisfies neither requirement.

Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage. The petition by LiTel does not identify any competitor who could use the information to gain such an advantage. Furthermore, the information sought to be protected is presented by LiTel in summary form and does not contain sufficient detail to 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:

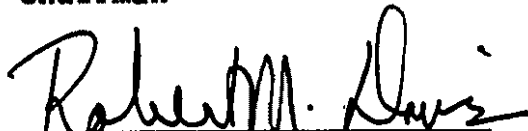
1. The petition for confidential protection of LiTel's Annual Report Form T be and it is hereby denied.

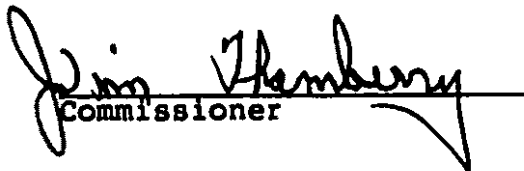
2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five working days from the date of this Order, at the expiration which time it shall be placed in the public record.

Done at Frankfort, Kentucky, this 29th day of May, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director