

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICALL SYSTEMS OF LOUISVILLE'S	)	
PETITION FOR CONFIDENTIAL TREATMENT	)	CASE NO.
OF INFORMATION CONTAINED IN ITS	)	90-139
1989 ANNUAL REPORT	)	

O R D E R

This matter arising upon petition of AmeriCall Systems of Louisville ("AmeriCall") filed May 15, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of its 1989 Annual Report on the grounds that public disclosure is likely to cause AmeriCall competitive injury, and it appearing to this Commission as follows:

AmeriCall seeks to protect as confidential its 1989 Annual Report on the grounds that the financial information contained therein is of significant competitive value. AmeriCall contends that the financial information sought to be protected would assist competitors in determining AmeriCall's market share in this state, which competitors could use in marketing their services. The information is not known outside of AmeriCall and is available to AmeriCall's employees only on a "need-to-know" basis.

807 KAR 5:001, Section 7, protects information as confidential when it 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 AmeriCall 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 to the detriment of AmeriCall. Furthermore, the information sought to be protected is presented by AmeriCall 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 AmeriCall's 1989 Annual Report 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 workings 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 31st day of May, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director