

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ROBERT CEFAIL AND	)	
ASSOCIATES AMERICAN INMATE	)	
COMMUNICATIONS, INC., FOR A	)	CASE NO.
CERTIFICATE OF CONVENIENCE AND	)	90-275
NECESSITY TO PROVIDE INTEREXCHANGE	)	
TELECOMMUNICATIONS IN KENTUCKY	)	

O R D E R

This matter arising upon petition of Robert Cefail and Associates American Inmate Communications, Inc. ("American Inmate") filed November 12, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of American Inmate's response to Item 16 of the Commission's Order of October 11, 1990 on the grounds that disclosure of the information is likely to cause American Inmate competitive injury, and it appearing to this Commission as follows:

Item 16 of the Commission's Order requested American Inmate to provide a copy of all current contracts entered into with any entity for the provision of operator-assisted services. The response contains the names of the clients, the terms and conditions of service, and the financial terms of the service provided, including the royalty.

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 information sought to be protected could be used by competitors, not only to identify American Inmate's customers, but also to bid against or to underbid American Inmate for the opportunity to provide comparable services. Therefore, disclosure of the information is likely to cause American Inmate competitive injury and the information should be protected.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. American Inmate's response to Item 16 of the Commission's Order of October 11, 1990, which American Inmate has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.


2. American Inmate shall, within 10 days of the date of this Order, file an edited copy of its response with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

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

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director