

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE MOBILNET	)	
INCORPORATED FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO PROVIDE DOMESTIC	)	CASE NO. 90-306
PUBLIC CELLULAR TELECOMMUNICATIONS	)	
SERVICE TO THE PUBLIC IN RURAL	)	
SERVICE AREA #5 (BARREN) OF THE	)	
COMMONWEALTH OF KENTUCKY	)	

O R D E R

This matter arising upon petition of GTE Mobilnet Incorporated ("GTE Mobilnet") filed January 11, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of Exhibit L to GTE Mobilnet's response to Item 18 of the Commission's Order of November 29, 1990 on the grounds that disclosure of the information is likely to cause GTE Mobilnet competitive injury, and it appearing to this Commission as follows:

GTE Mobilnet has filed an application for a Certificate of Public Convenience and Necessity to provide cellular telecommunications service in rural service area #5 of this state.

On November 29, 1990, the Commission entered an Order directing GTE Mobilnet to provide certain specified information, including a detailed breakdown of the operating expenses estimated for the service and an explanation of how the estimates were derived. In response to the Order, the information was furnished to the Commission as Exhibit L.

The information sought to be protected is not generally known outside of GTE Mobilnet, and is known only to those employees and others involved in GTE Mobilnet's business on a need-to-know basis. GTE Mobilnet seeks to protect and preserve the confidentiality of the information by 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. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

On November 28, 1990, the Commission entered an Order granting confidential protection to Exhibits 3 and 4 of GTE Mobilnet's application. These exhibits contained the acquisition costs and the capital costs of the projected cell sites for its first year of operation, and the acquisition costs and the capital costs of the Kentucky switch for the cellular telecommunications system of which GTE Mobilnet is a part. In granting confidential protection, the Commission found that the exhibits contained financial information which competitors could use to determine the rates GTE Mobilnet would be required to charge for its services in order to meet its operating costs, and that competitors could use the information to GTE Mobilnet's disadvantage in marketing their own services. In this petition, GTE Mobilnet alleges that the

information contained in Exhibit L, which GTE Mobilnet seeks to protect as confidential, is the same information contained in Exhibits 3 and 4 of the application except in more detail. The comparison of Exhibit L, however, to Exhibits 3 and 4 of the application indicates that this allegation is not entirely correct.


Exhibits 3 and 4 relate solely to acquisition costs and capital costs, a part of which is included in Exhibit L. However, Exhibit L also contains other expenses which are not a part of Exhibits 3 and 4. The Commission, though, has determined that operating expenses incurred in providing services can be of substantial value to competitors who provide competing services, and that such information should be protected as confidential.


This Commission being otherwise sufficiently advised,

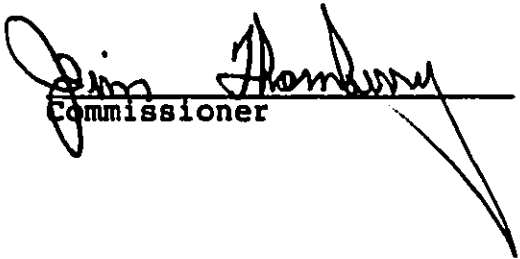
IT IS ORDERED that the information contained in Exhibit L to GTE Mobilnet's response to Item 18 of the Commission's Order of November 28, 1990, which GTE Mobilnet has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 21st day of February, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director