

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|---------------------------------------|---|----------|
| PETITION OF CABLE & WIRELESS |) | |
| COMMUNICATIONS, INC. FOR CONFIDENTIAL |) | CASE NO. |
| TREATMENT OF INFORMATION CONTAINED |) | 91-116 |
| IN ITS 1990 ANNUAL REPORT |) | |

O R D E R

This matter arising upon petition of Cable & Wireless Communications, Inc. ("Cable & Wireless") filed March 29, 1991 pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 7, for confidential protection of portions of Exhibit A (Income Statement), Exhibit B (Statement of Operations), Exhibit D (Gross Intrastate Revenue Report), and Exhibit E (Number of Customers), of its 1990 Annual Report on the grounds that disclosure of the information is likely to cause Cable & Wireless competitive injury, and it appearing to this Commission as follows:

Cable & Wireless is a telecommunications company authorized to provide intrastate services in Kentucky under a Certificate of Public Convenience and Necessity issued by this Commission. In accordance with its certificate, Cable & Wireless has filed its 1990 Annual Report, and by this petition, seeks protection from public disclosure of certain portions of that report.

The information sought to be protected is available to a selected few financial, regulatory and strategic personnel of Cable & Wireless with a demonstrated need to access it. When not

in use, the information is stored in locked facilities and in limited access computer storage. The information is not made available to anyone outside of the company except regulatory agencies, with whom it has been filed under similar requests for confidential protection.

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 provides the total number of customers served, revenue, income and expenses during a defined period of time, total company property, and gross intrastate revenues. Cable & Wireless contends that its competitors could use this information to gauge the company's penetration into the company's intrastate/interstate interexchange market and its success therein and presumably, thereby, estimate its strengths and vulnerabilities. The information sought to be protected, however, is presented by Cable & Wireless in summary form and does not contain sufficient detail to be of 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,

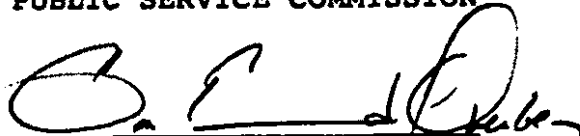
IT IS ORDERED that:


1. The petition for confidential protection of Exhibits A, B, D, and E of Cable & Wireless's 1990 Annual Reports be and it hereby is denied.


2. The information sought to be protected from disclosure shall be held as confidential and proprietary for 5 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 24th day of April, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director