

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|  |   |                 |
|--|---|-----------------|
| MO-TEL CELLULAR, INC., A GEORGIA       | ) |                 |
| CORPORATION D/B/A CELLULAR ONE         | ) |                 |
| WESTERN KENTUCKY CELLULAR TELEPHONE    | ) |                 |
| COMPANY, AND D/B/A WESTERN KENTUCKY    | ) |                 |
| CELLULAR TELEPHONE COMPANY FOR THE     | ) |                 |
| ISSUANCE OF A CERTIFICATE OF PUBLIC    | ) |                 |
| CONVENIENCE AND NECESSITY TO PROVIDE   | ) | CASE NO. 91-290 |
| DOMESTIC PUBLIC CELLULAR RADIO         | ) |                 |
| TELECOMMUNICATIONS SERVICE TO THE      | ) |                 |
| PUBLIC IN THE KENTUCKY RURAL SERVICE   | ) |                 |
| AREA WHICH INCLUDES COUNTIES IN        | ) |                 |
| KENTUCKY, FOR APPROVAL OF FINANCING,   | ) |                 |
| AND FOR ESTABLISHMENT OF INITIAL RATES | ) |                 |

O R D E R

This matter arising upon petition of Mo-Tel Cellular, Inc. d/b/a Cellular One Western Kentucky Cellular Telephone Company, and d/b/a Western Kentucky Cellular Telephone Company ("Mo-Tel Cellular") filed September 23, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the purchase order for the equipment to be purchased during the first year of operation of the cellular system on the grounds that disclosure of the information is likely to cause Mo-Tel Cellular competitive injury, and it appearing to this Commission as follows:

Mo-Tel Cellular has applied for a Certificate of Public Convenience and Necessity to provide domestic public cellular telecommunications service to the public. In support of its application, Mo-Tel Cellular has filed a copy of the purchase order for the equipment to be purchased during the first year of

operation of the cellular system which it seeks to protect as confidential.

The information sought to be protected is not generally known outside of Mo-Tel Cellular's business and is not generally known by Mo-Tel Cellular's employees except on a need-to-know basis. Mo-Tel Cellular has sought to protect and 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. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

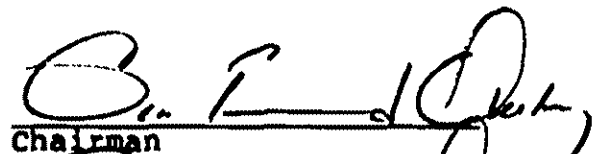
The cellular telephone market is a competitive industry, and Mo-Tel Cellular will have competition in the Rural Service Area in which it proposes to construct its system. Its competitors could use the information to gain an unfair business advantage by structuring their rates and marketing their services in a manner which would preclude Mo-Tel Cellular from competing effectively for customers. Therefore, disclosure of the information is likely to cause Mo-Tel Cellular competitive injury and the information is entitled to be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that Mo-Tel Cellular's purchase order for the equipment to be purchased during the first year of operation of its cellular system, which Mo-Tel Cellular 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 8th day of October, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director