

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF THE BRANDENBURG	)	
TELEPHONE COMPANY AND BRANDENBURG	)	CASE NO.
COMMUNICATIONS CORPORATION FOR	)	91-260
APPROVAL OF HOLDING COMPANY	)	

O R D E R

This matter arising upon petition of Brandenburg Telephone Company ("Brandenburg Telephone") filed November 8, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its "Cellular Journal Entries" showing how Brandenburg Telephone's shares in its respective cellular interests were financed on the grounds that disclosure of the information is likely to cause Brandenburg Telephone competitive injury, and it appearing to this Commission as follows:

By Order dated October 9, 1991, the Commission requested certain information regarding, among other things, the financing of Brandenburg Telephone's shares in its respective cellular interests. Specifically, the Order requested copies of Brandenburg Telephone's journal entries showing its cellular acquisitions. Brandenburg Telephone contends that public disclosure of this information is likely to cause it competitive injury and is therefore entitled to protection under KRS 61.878(1)(b) as confidential commercial information.

KRS 61.878(1)(b) 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 lists the amounts Brandenburg Telephone has invested in Rural Service Area Nos. 3 and 4. It also shows the total amount Brandenburg Telephone proposes to invest in Rural Service Area No. 5. Brandenburg Telephone maintains that its competitors could use this information to determine the rates they must charge in order to break even and price their services lower in order to drive Brandenburg Telephone from the cellular market. An examination of the information does not support Brandenburg Telephone's contention.

The information sought to be protected provides no insight into the cost of operating the cellular system. Thus, the information has no competitive value and is not entitled to protection.

Furthermore, commercial information does not qualify for protection from disclosure unless it is confidential information. The information sought to be protected by this petition can be obtained from Brandenburg Telephone's quarterly reports which are

part of the public record and, therefore, no longer subject to protection as confidential.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

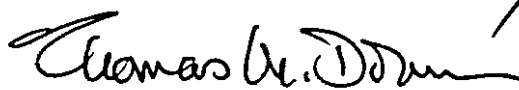
1. The petition to protect as confidential the "Cellular Journal Entries" showing how Brandenburg Telephone's shares in its respective cellular interests were financed be and is hereby denied.


2. The information sought to be protected shall be held and retained by this Commission as confidential for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record.

Done at Frankfort, Kentucky, this 9th day of January, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director