

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WILTEL, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE INTRASTATE)
INTEREXCHANGE TELECOMMUNICATIONS) CASE NO. 91-395
SERVICES WITHIN THE STATE OF)
KENTUCKY, AND FOR APPROVAL OF ITS)
INITIAL TARIFF)

O R D E R

This matter arising upon petition of WilTel, Inc. ("WilTel") filed February 18, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its customer list filed in response to the Commission's Order of January 14, 1992 on the grounds that disclosure of the information is likely to cause WilTel competitive injury, and it appearing to this Commission as follows:

In response to the Commission's Order of January 14, 1992, WilTel has filed a list of its customers referred to in the first paragraph of its application. By this petition, WilTel seeks to protect the information as confidential on the grounds that disclosure is likely to cause it competitive injury.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that

section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. 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.

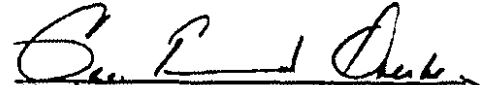
The information sought to be protected consists of a list of WilTel's customers. Competitors of WilTel could use this list to solicit WilTel's customers identified in the exhibit thereby causing WilTel competitive injury. The information, therefore, should be protected as confidential.

This Commission being otherwise sufficiently advised,

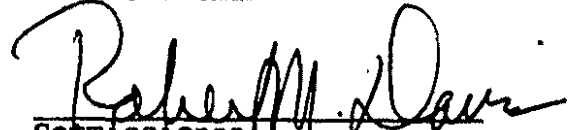
IT IS ORDERED that the list of customers furnished in response to the Commission's Order of January 14, 1992, which WilTel has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 27th day of March, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director