

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF ALTERNATE)
COMMUNICATIONS TECHNOLOGY, INC. FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE) CASE NO. 91-441
AND NECESSITY TO PROVIDE)
TELECOMMUNICATION SERVICES)

O R D E R

This matter arising upon petition of Alternate Communications Technology, Inc. ("Alternate Communications") filed November 26, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the financial information contained in Exhibit D to its application on the grounds that disclosure of the information is likely to cause Alternate Communications competitive injury, and it appearing to this Commission as follows:

Alternate Communications has applied for a Certificate of Public Convenience and Necessity to provide telecommunications services in Kentucky. As Exhibit D to its application, Alternate Communications has submitted financial information which it seeks to protect from public disclosure as confidential. The information is not known outside of Alternate Communications and its dissemination within Alternate Communications is limited to those employees who have a legitimate business need to know and act upon the information.

Information filed with the Commission is required by KRS 61.872(1) to be maintained 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 separate categories of information. One of the exemptions provided by subparagraph (b) of KRS 61.878(1) is for certain commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure 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.

Alternate Communications contends that the financial information sought to be protected, if publicly disclosed, would allow its competitors to learn its costs, its revenues and profit margins in specific areas of its operations, its marketing tactics, and its equipment improvements. The information, however, which consists of the balance sheet and income statement, is presented in summary form and does not provide sufficient detail to provide competitors information of significant value. Therefore, the petition should be denied.

This Commission being otherwise sufficiently advised,

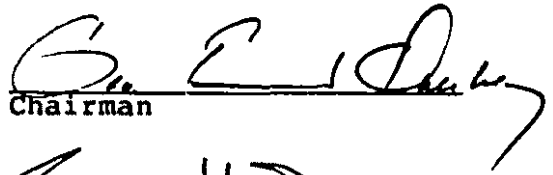
IT IS ORDERED that:

1. The petition to protect as confidential the financial information contained in Exhibit D to its application, which Alternate Communications has petitioned be withheld from public disclosure, be and is hereby denied.

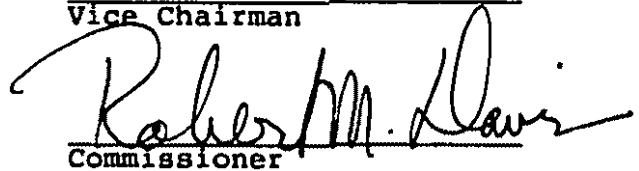
2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order at the expiration of which it shall, without further Orders herein, be placed in the public record.

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

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director