

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BUSINESS CHOICE NETWORK, INC.	)	
	)	
_____	)	CASE NO.
ALLEGED VIOLATION OF KRS 278.020	)	92-026
AND KRS 278.160	)	

O R D E R

This matter arising upon petition of Business Choice Network, Inc. ("Business Choice") filed February 19, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its billing records on the grounds that disclosure of the information is likely to cause Business Choice competitive injury, and it appearing to this Commission as follows:

Business Choice, as part of these proceedings, has filed a copy of its billing records which contain its customers' names and amounts of their toll usage. The petition requests confidential protection of the information 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 certain commercial information confidentially disclosed to this Commission. Because the exemption is limited to confidential information, information

that may be obtained from other sources or information that is known to others is not entitled to protection.

The information sought to be protected in this proceeding was filed on January 31, 1992. The information was placed in the public record where it remained until February 19, 1992 when this petition was filed. During the interim between January 31, 1992 and February 19, 1992 the information was generally available for public inspection and, on at least two occasions, was viewed and copied by members of the general public. Therefore, the information can no longer be considered confidential and is not entitled to protection.

This Commission being otherwise sufficiently advised,

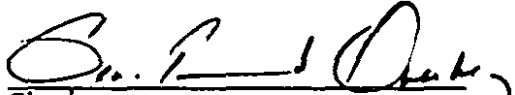
IT IS ORDERED that:

1. The information to protect the billing records filed by Business Choice as confidential be and is hereby denied.

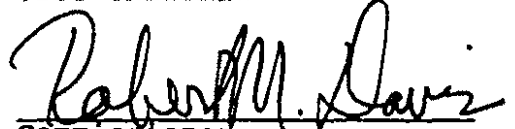
2. The information shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order at which time the information shall, without further Orders herein, be place in the public record.

Done at Frankfort, Kentucky, this 24th day of March, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director