

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CTG TELECOMMUNICATIONS, INC.)	
)	
_____)	CASE NO.
)	92-042
ALLEGED VIOLATION OF KRS 278.020)	
AND KRS 278.160)	

O R D E R

This matter arising upon petition of CTG Telecommunications, Inc. ("CTG Telecommunications") filed March 5, 1992 and supplemented March 31, 1992 for confidential protection of the customer information contained in Exhibit A to its response to the Commission's Order of January 31, 1992 on the grounds that disclosure of the information is likely to cause CTG Telecommunications competitive injury, and it appearing to this Commission as follows:

On March 3, 1992, CTG Telecommunications filed its response to the Commission's Order of January 31, 1992. As part of its response, CTG Telecommunications attached as Exhibit A a list of its customers and each customer's billing and collection records for the period January 1, 1991 through October 31, 1991. By separate petition, CTG Telecommunications requested that the information contained in Exhibit A be protected as confidential.

The information sought to be protected is not known outside of CTG Telecommunications' business. Employees of CTG

Telecommunications have access to the information only on a need-to-know basis.

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.

Competitors of CTG Telecommunications could use the information sought to be protected to identify customers of CTG Telecommunications. Competitors could then use this information to market their services to such customers to the detriment of CTG Telecommunications. Therefore, the information has competitive value and should be protected as confidential.


This Commission being otherwise sufficiently advised,

IT IS ORDERED that the information pertaining to CTG Telecommunications' customers contained in Exhibit A to its response to the Commission's Order of January 31, 1992, which CTG Telecommunications 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 13th day of April, 1992.


PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:



Executive Director