

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF CUMBERLAND CELLULAR)
PARTNERSHIP FOR CONFIDENTIAL) CASE NO. 92-144
TREATMENT OF ITS 1991 ANNUAL REPORT)

O R D E R

This matter arising upon petition of Cumberland Cellular Partnership ("Cumberland Cellular") filed April 1, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the financial information contained in its 1991 Annual Report on the grounds that disclosure of the information is likely to cause Cumberland Cellular competitive injury, and it appearing to this Commission as follows:

Cumberland Cellular has petitioned the Commission for confidential protection of the financial information contained in its 1991 Annual Report. Cumberland Cellular maintains that the rates it must charge in order to meet its expenses can be derived from this information and that competitors could use this information in structuring competing rates.

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 is presented in the Annual Report in summary form and does not contain sufficient detail to have significant value. Therefore, the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

1. The petition for confidential protection of the financial information contained in Cumberland Cellular's 1991 Annual Report be and is hereby denied.


2. The information sought to be protected from disclosure shall be held as confidential and proprietary 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 20th day of April, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting