

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                               |   |          |
|-------------------------------|---|----------|
| PETITION OF THACKER-GRIGSBY   | ) |          |
| TELEPHONE CO., INC. FOR       | ) | CASE NO. |
| CONFIDENTIAL TREATMENT OF ITS | ) | 92-148   |
| 1991 ANNUAL REPORT            | ) |          |

O R D E R

This matter arising upon petition of Thacker-Grigsby Telephone Co., Inc. ("Thacker-Grigsby") filed April 30, 1992 for confidential protection of Schedule B1, page V of its 1991 balance sheet account and page 1 of B2 of its statement of cash flows on the grounds that disclosure of the information is likely to cause Thacker-Grigsby competitive injury, and it appearing to this Commission as follows:

Thacker-Grigsby is a partner in a cellular partnership authorized to provide cellular service in Rural Service Area 9 and Rural Service Area 10. In conjunction with its partnership interest, Thacker-Grigsby has filed its 1991 balance sheet and its 1991 statement of cash flows which it seeks to protect as confidential.

The information sought to be protected is not available to the public nor to Thacker-Grigsby's general employees. Thacker-Grigsby seeks to preserve and protect the confidentiality of the information through all appropriate means.

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.

Although cellular telephone companies operate in a competitive market, each cellular telephone company faces only one other operator in the service areas in which it is authorized to provide service. Because all cellular companies and those involved in cellular operations are required to file the same information, public disclosure of such information does not provide a competitor with an unfair business advantage. Therefore, the petition for confidentiality should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition to protect as confidential the balance sheet account schedule and the cash flow statement, which

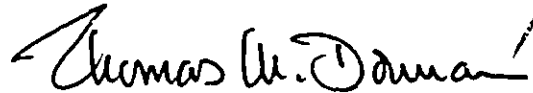
Thacker-Grigsby has petitioned be withheld from public disclosure, be and is hereby denied.


2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public disclosure 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 without further Order of the Commission.

Done at Frankfort, Kentucky, this 18th day of May, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director