

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF TELECOM*USA FOR)	
CONFIDENTIAL TREATMENT OF ITS)	CASE NO. 92-196
1991 ANNUAL REPORT)	

O R D E R

This matter arising upon the amended petition of Telecom*USA filed June 2, 1992 pursuant to 807 KAR 5:001, Section 7, for protection of Attachment No. 1 to its 1991 Annual Report on the grounds that disclosure of the information is likely to cause Telecom*USA competitive injury, and it appearing to this Commission as follows:

Telecom*USA has petitioned the Commission for confidential protection of the financial information contained in Attachment No. 1 to its 1991 Annual Report. Telecom*USA contends that competitors could use the information to analyze Telecom*USA's position in the telecommunications market relative to their own and evaluate Telecom*USA's business and pricing strategy in this state.

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 by Telecom*USA in summary form and does not contain sufficient detail to have significant competitive value. Therefore, no competitive harm has been established and the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,

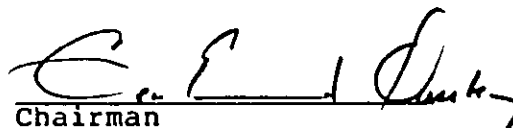
IT IS ORDERED that:

1. The petition to protect as confidential Attachment No. 1 to Telecom*USA'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 without further Order of the Commission.

Done at Frankfort, Kentucky this 15th day of June, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director