

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF CONTEL CELLULAR OF )  
KENTUCKY B FOR CONFIDENTIAL ) CASE NO. 93-125  
TREATMENT OF ITS 1992 ANNUAL REPORT )

O R D E R

This matter arising upon petition of Contel Cellular of Kentucky B ("Contel Cellular B") filed March 31, 1993 for confidential protection of certain financial information contained in its 1992 Annual Report and 1992 Report of Gross Operating Revenues on the grounds that disclosure of the information is likely to cause Contel Cellular B competitive injury, and it appearing to this Commission as follows:

Contel Cellular B has petitioned the Commission for confidential protection of the financial information contained in its 1992 Annual Report and 1992 Report of Gross Operating Revenues. Contel Cellular B maintains that this information reveals the revenues and expenses and assets and liabilities of Contel Cellular B and would provide its competitors with information that could be used to market their services.

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 11 categories of information. One category exempted in subparagraph (c) 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 Contel Cellular B in summary form and does not contain sufficient detail to have significant competitive value. Further, certain information which Contel Cellular B seeks to protect from public disclosure is available to the public from other sources. 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 for confidential protection of certain financial information contained in its 1992 Annual Report and 1992 Report of Gross Operating Revenues, which Contel Cellular B has petitioned be withheld from public disclosure, 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 26th day of April, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director