

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF POLAR)	
COMMUNICATIONS CORP. D/B/A POLARNET)	
COMMUNICATIONS CORP. FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO. 93-191
AND NECESSITY TO PROVIDE RESOLD)	
TELECOMMUNICATIONS SERVICES,)	
INCLUDING OPERATOR SERVICES)	

O R D E R

This matter arising upon petition of Polar Communications Corp. d/b/a Polarnet Communications Corp. ("Polarnet") filed May 18, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its most recent financial statements on the grounds that disclosure of the information is likely to cause Polarnet competitive injury, and it appearing to this Commission as follows:

Polarnet has applied to the Commission for a Certificate of Public Convenience and Necessity to resell intrastate telecommunications services, including operator services. As part of its application, Polarnet has requested that its financial statements submitted as Exhibit D to its application be protected as confidential on the grounds that disclosure of the information is likely to cause Polarnet substantial competitive harm.

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.

Polarnet's application does not meet the requirements of the statutory exemption from public disclosure. The application does not identify competitors who could use the information sought to be protected nor does it demonstrate how the information could be used to Polarnet's disadvantage. Therefore, the petition must be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

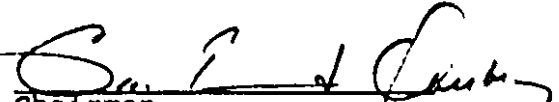
1. The petition to protect as confidential the financial statements submitted as Exhibit D to Polarnet's application, which Polarnet has petitioned be withheld from public disclosure, be and is hereby denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this

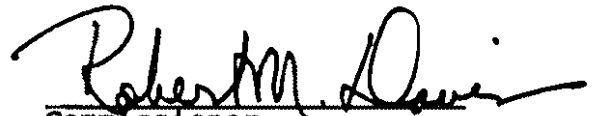
Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 18th day of June, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director