COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INQUIRY INTO THE PROVISION AND REGULATION OF CELLULAR MOBILE TELEPHONE SERVICE IN KENTUCKY	)))	ADMINISTRATIVE CASE NO. 344

O R D E R

This matter arising upon the joint petition of Kentucky RSA #3 Cellular General Partnership, Kentucky RSA #4 Cellular General Partnership, and Cumberland Cellular General Partnership (jointly "Cellular General Partnerships"), filed January 3, 1994, pursuant to KRS 278.400, for reconsideration of the Commission's Order of December 14, 1993, denying confidential protection to the responses to Item 18 of the Commission's June 21, 1993, Order, and it appearing to this Commission as follows:

On September 24, 1993, Cellular General Partnerships separately petitioned the Commission to protect as confidential certain information filed in response to a series of data requests propounded by the Commission in its Order of June 21, 1993. Included in the petition was the information filed in response to Item 18 of the data requests. By Orders entered December 14, 1993, confidential protection of the information was denied and the Cellular General Partnerships now seek reconsideration of that decision.

The Commission, in reviewing the original petitions for confidential protection, found that the information sought to be

protected was contained in or derived from the annual reports filed by the Cellular General Partnerships, all of which are a matter of public record, and available for public inspection. Because the information was not confidential, the Commission ruled that it did not qualify for confidential protection under the exemption provisions of the Open Records Act. The petition for reconsideration filed by the Cellular General Partnerships does not dispute the findings and conclusions upon which the Orders denying protection were made and thus presents no basis for changing, modifying, or vacating the Orders denying confidential protection.

Although the Cellular General Partnerships do not dispute the Commission's findings and conclusions, they maintain that the Commission has not acted consistently in this matter. Specifically the Cellular General Partnerships point to two Orders in this proceeding where the responses to Item 18 filed by First Kentucky Cellular Corporation and Horizon Cellular Telephone Company of Spencer L.P. were granted confidential protection. However, the responses of those companies were based upon projected costs and anticipated revenues which are not part of their annual reports and are only known to those employees of the companies who have a legitimate business need for the information.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition for reconsideration of the Commission's Orders of December 14, 1993, 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 Orders herein.

Done at Frankfort, Kentucky, this 24th day of January, 1994.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Executive Director