

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH SPRINT)	CASE NO. 95-138
COMMUNICATIONS COMPANY L.P.'S 1994)	
ANNUAL REPORT)	

O R D E R

This matter arising upon petition of Sprint Communications Company L.P. ("Sprint"), filed March 31, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of information contained in its 1994 Annual Report and its 1994 Annual Report of Gross Revenues on the grounds that disclosure of the information is likely to cause Sprint competitive injury and that the information is of a type generally recognized as confidential, and it appearing to this Commission as follows:

Sprint, a telecommunications public utility furnishing service in this state, has filed its 1994 Annual Report and its 1994 Report of Gross Operating Revenues. When combined, both reports show the gross revenues derived by Sprint from its operations in this state. By this petition, Sprint seeks to protect that information from public disclosure.

The information sought to be protected is not known outside of Sprint and is not disseminated within Sprint except to those employees who have a legitimate business need to know and act upon

the information. Sprint 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 subsection (1) of KRS 61.878. That subsection exempts several categories of information. One category exempted by paragraph (c)1 is information confidentially disclosed to the Commission, which if made public, would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is publicly disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Sprint maintains that the disclosure of its gross revenues would provide competitors a profile of its market which competitors could use to market their own services. The information, however, is presented in summary form and does not contain sufficient detail to have significant competitive value. Therefore, no competitive injury from disclosure has been established and the information cannot be protected on that ground.

Another category of information exempted by KRS 61.878(1)(c)2.c is information confidentially disclosed to an agency in conjunction with the regulation of a commercial enterprise, which is generally recognized as confidential or

proprietary. To qualify for this exemption it must be established that the information is generally recognized as confidential or proprietary, that the information is not readily available from other sources, and that the information falls within one or more of the categories specified in paragraph 2.c. These categories are "mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person." While the petition alleges that the information sought to be protected is generally recognized as confidential, it offers no evidence in support of the allegation, nor does it offer evidence that the information falls within any of the categories protected by the exemption. Therefore, the petition cannot be granted on that ground.

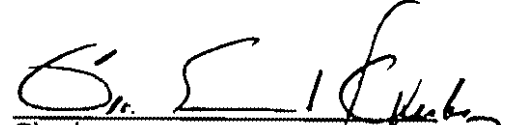
This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

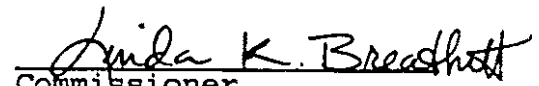
1. The petition to protect as confidential the gross revenues provided in Sprint's 1994 Annual Report and its 1994 Annual Report of Gross Revenues is hereby denied.
2. The information sought to be protected shall be held and retained by this Commission as confidential for a period of 20 days from the date of this Order, at the expiration of which it shall, without further Orders herein, be placed in the public record.

Done at Frankfort, Kentucky, this 13th day of June, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director