

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF FEDERAL TRANSTEL,	)	
INC. FOR A CERTIFICATE OF PUBLIC	)	CASE NO. 95-326
CONVENIENCE AND NECESSITY TO PROVIDE	)	
INTRASTATE TELECOMMUNICATIONS SERVICES	)	

O R D E R

This matter arising upon petition of Federal TransTel, Inc. ("FTT"), filed July 28, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the financial information contained in the income statement, balance sheet, and operating statement attached to FTT's application on the grounds that disclosure of the information is likely to cause FTT competitive injury, and it appearing to this Commission as follows:

FTT has applied for a Certificate of Public Convenience and Necessity to provide intrastate telecommunication services. In support of its application FTT has furnished an income statement, a balance sheet, and an operating statement, attached to its application as Exhibits D, E, and F, respectively, containing financial information which it seeks to protect as confidential.

The information sought to be protected is not customarily disclosed to the public and is only disclosed to employees and others involved in FTT's business on a need-to-know basis.

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 subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial 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 disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The financial information sought to be protected is presented in such detail that it would enable FTT's competitors to gain knowledge of FTT's targeted market and potential customers. Competitors could use this information to market their services to those customers and to establish competing services. Therefore, disclosure of the information is likely to cause FTT competitive injury and the information should be protected as confidential.

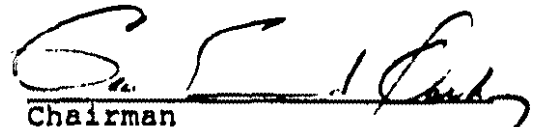
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the financial information contained in the income statement, the balance sheet, and the operating statement

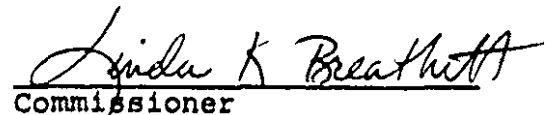
attached to FTT's application, which FTT has petitioned to be withheld from public disclosure, shall be held by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 2nd day of November, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director