

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LCI INTERNATIONAL TELECOM)
CORP. AND TELEDIAL AMERICA, INC. FOR) CASE NO. 95-549
AUTHORITY TO TRANSFER ASSETS)

O R D E R

This matter arises on the joint petition of LCI International Telecom Corp. ("LCI Telecom") and Teledial America, Inc., d/b/a U.S. Signal ("Teledial"), filed January 19, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of information contained in a letter of intent filed with the Commission. They were directed to file a copy of the letter, which sets forth the basic terms and conditions under which Telecom has agreed to purchase the business and assets of Teledial, as part of proceedings before the Commission seeking approval of the transfer. The movants assert that the information is proprietary and that its public disclosure would result in irreparable harm to the movants' ability to compete in the national telecommunications market.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless its disclosure is specifically exempted in KRS 61.878(1). The procedure for obtaining protection of confidential information filed with the Commission is provided in 807 KAR 5:001, Section 7, which requires, among other things, that persons seeking protection set forth the specific statutory grounds upon which they rely. Movants have cited no specific statutory exemption from the requirement of KRS

61.872(1). Nor have they offered any explanation for their assertion that disclosure of the information would result in competitive injury. Accordingly, the petition filed by LCI Telecom and Teledial does not satisfy this requirement of the regulation and, therefore, should be dismissed.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition seeking confidential treatment of certain portions of a letter of intent from LCI Telecom to Teledial is hereby denied.

2. The information sought to be protected shall be held confidential by the Commission for 20 days from the date of this Order to allow LCI Telecom and Teledial to file an amended petition in accordance with the regulation.

3. If, after 20 days, no petition has been filed, the information shall be placed in the public record without further Order.

Done at Frankfort, Kentucky, this 7th day of February, 1996.

PUBLIC SERVICE COMMISSION

Aida K. Beathart
Chairman

Ellen J. Hays
Vice Chairman

Robert M. Davis
Commissioner

ATTEST:

Don Mills
Executive Director