

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY DATA     )  
LINK, INC. AND ALBERT E. CINELLI     )     CASE NO. 96-056  
FOR APPROVAL OF A CHANGE OF CONTROL)  
OF KENTUCKY DATA LINK, INC.     )

O R D E R

This matter arising upon the joint petition of Kentucky Data Link, Inc. ("KDL") and Albert E. Cinelli, filed February 16, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the personal financial statement of Mr. Cinelli on the grounds that the information is of a personal nature and disclosure would constitute an unwarranted invasion of personal privacy, and it appearing to this Commission as follows:

KDL, a Kentucky corporation whose sole shareholder is A. D. Wright, Jr., is a provider of intrastate telecommunications services under a certificate of public convenience and necessity issued by this Commission on February 8, 1993. Mr. Wright has agreed to sell 51 percent of the outstanding shares of common stock of KDL to Mr. Cinelli. Because the proposed transaction will effectively transfer control of the corporation to Mr. Cinelli, KDL and Mr. Cinelli have applied to the Commission for approval of the transaction. In support of the application, Mr. Cinelli has filed his personal financial statement to demonstrate to the Commission that he has the financial ability to provide reasonable service after he acquires control of the company. By this petition, Mr. Cinelli seeks to protect the financial statement as confidential.

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 several categories of information. One category exempted in paragraph (a) is information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy. This provision is intended to protect from public disclosure any information contained in public records that relates to the details of an individual's private life when the individual's privacy interest in the information outweighs the public's interest in the information. Board of Education of Fayette County v. Lexington-Fayette Urban County Human Rights Commission, Ky. App. 625 S.W.2d 109, 111 (1981).

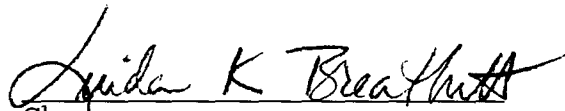
The financial statement sought to be protected reveals Mr. Cinelli's personal financial condition and the economic value of his personal estate. Disclosure of this information would be an invasion of his personal privacy, which is not offset by any interest that the public might have in knowing the information. Therefore, the information should be protected as confidential.

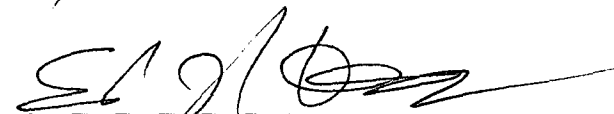
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the financial statement filed in support of the proposed transfer of stock in KDL, which KDL and Mr. Cinelli have petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 14th day of March, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director