

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION FOR APPROVAL OF TRANSFER)
OF ASSETS AND CERTIFICATE OF PUBLIC) CASE NO. 96-203
CONVENIENCE AND NECESSITY FROM)
TARGET TELECOM, INC. TO TTI NATIONAL, INC.)

O R D E R

This matter arising upon the joint petition of Target Telecom, Inc. ("Target"), WorldCom, Inc. d/b/a LDDS WorldCom ("WorldCom") and TTI National, Inc. ("TTI"), filed June 13, 1996, for confidential protection of an Asset Purchase Agreement between Target and WorldCom on the grounds that disclosure of the information is likely to cause the parties irreparable injury and it appearing to this Commission as follows:

Target and WorldCom have entered into an Asset Purchase Agreement under the terms of which Target will transfer selected assets to TTI. In seeking approval of the transfer, the parties have filed copies of the agreement which they seek to protect as confidential on the grounds that disclosure of the information is likely to cause them competitive injury.

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). The procedure for obtaining confidential protection of information filed with the Commission is provided in regulation 807 KAR 5:001, Section 7. That regulation sets forth specific procedural requirements which must

be complied with before confidential protection can be granted. Included is a requirement that edited copies of the documents containing the information for which confidentiality is sought, be filed which obscure the information sought to be protected. Additionally, the Commission has required that parties seeking protection on the grounds that disclosure is likely to cause competitive injury identify those competitors who would benefit from the information and describe how the information could be used to the detriment of the petitioner. The petition filed by Target, WorldCom and TTI does not satisfy the procedural requirements of the regulation, nor does it satisfy the substantive requirements of the statute. Therefore, the information cannot be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The joint petition to protect as confidential the Asset Purchase Agreement between Target and WorldCom 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 to allow Target, WorldCom and TTI an opportunity to file a petition in accordance with the applicable statute and regulation.
3. If at the expiration of the 20-day period no petition has been filed, the information shall be placed in the public record without further orders herein.

Done at Frankfort, Kentucky, this 9th day of July, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt
Chairman

E. H. Lewis
Vice Chairman

Robert M. Davis
Commissioner

ATTEST:

D. Hill
Executive Director