

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

IN THE MATTER OF THE APPLICATION OF)
ZENEX LONG DISTANCE, INC. FOR A)
CERTIFICATE OF CONVENIENCE AND) CASE NO. 96-305
NECESSITY TO PROVIDE COMPETITIVE)
INTRASTATE TELECOMMUNICATIONS)
SERVICE)

O R D E R

This matter arising upon the joint petition of Zenex Long Distance, Inc. ("Zenex"), filed July 1, 1996, for confidential protection of its financial statements on the grounds that disclosure of the information is likely to cause the parties irreparable injury and it appearing to this Commission as follows:

Zenex has applied for a Certificate of Public Convenience and the Necessity to provide telecommunications services in this state. In seeking approval of its application, Zenex has filed financial statements which it seeks to protect as confidential on the grounds that disclosure of the information is likely to cause it 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 801 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 Zenex 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:

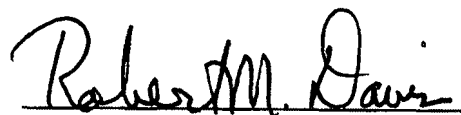
1. The petition to protect as confidential the financial statement filed by Zenex is hereby denied.
2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order to allow Zenex 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 16th day of July, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director