

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF KENTUCKY RSA #3 CELLULAR)	
GENERAL PARTNERSHIP, KENTUCKY RSA #4)	
CELLULAR GENERAL PARTNERSHIP AND)	CASE NO. 97-162
CUMBERLAND CELLULAR PARTNERSHIP)	
FOR CONFIDENTIAL TREATMENT OF)	
CERTAIN PARTS OF THEIR ANNUAL REPORTS)	

O R D E R

This matter arising upon petition of Kentucky RSA #3 Cellular General Partnership, Kentucky RSA #4 Cellular General Partnership and Cumberland Cellular Partnership (collectively "Bluegrass Cellular"), filed March 31, 1997, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the customer information provided in its 1996 Annual Reports on the grounds that disclosure of the information is likely to cause Bluegrass Cellular competitive injury, and it appearing to this Commission as follows:

Bluegrass Cellular has petitioned the Commission for confidential protection of the customer information provided in its 1996 Annual Report, specifically the gross revenues and number of customers of the utilities. Bluegrass Cellular maintains that disclosure of this information would reveal to their competitors Bluegrass Cellular's market share in each RSA.

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 information sought to be protected is presented in the Annual Report in summary form and does not contain sufficient detail to have significant value. Therefore, the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

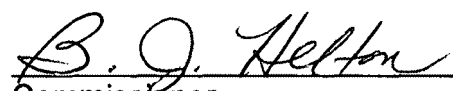
1. The petition for confidential protection of the financial information contained in Bluegrass Cellular's 1996 Annual Reports is hereby denied.
2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record.

Done at Frankfort, Kentucky, this 1st day of May, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director