

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GTE WIRELESS OF THE SOUTH INCORPORATED,	)	
GTE WIRELESS OF THE MIDWEST	)	CASE NO.
INCORPORATED AND KENTUCKY RSA NO. 1	)	99-384
PARTNERSHIP FOR A PETITION FOR	)	
CONFIDENTIAL PROTECTION OF THE CUSTOMER	)	
COUNT NUMBERS	)	

O R D E R

GTE Wireless of the South Incorporated, GTE Wireless of the Midwest Incorporated, and Kentucky RSA No. 1 Partnership (collectively, "GTE Wireless") have filed a motion with the Commission requesting reconsideration of a denial of confidential protection for certain information on the grounds that the disclosure thereof is likely to cause GTE Wireless competitive injury. The information in question consists of the number of access lines and the amount of surcharge remitted for the Kentucky Universal Service Fund. GTE Wireless contends that this customer account information is generally recognized as confidential and proprietary.

GTE Wireless has been denied confidential treatment for its customer account information. It urges the Commission to reassess its position of the treatment of this information and grant confidential treatment pursuant to KRS 61.878(1)(c).

GTE Wireless argues that the information is generally recognized as proprietary and its disclosure would permit an unfair commercial advantage to its competitors. GTE Wireless refers to KRS 65.7639, as amended in 1998, in support of its position that the Kentucky Legislature has recognized the proprietary nature of the information GTE Wireless seeks to protect in this proceeding. KRS 65.7639 states that an entity

receiving similar information from a commercial mobile radio service (“CMRS”) provider could release such information “only in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual CMRS provider.”

GTE Wireless argues that disclosure of customer count by the Commission would give competitors an unfair competitive advantage enabling them to monitor the success of GTE Wireless’s marketing programs and allowing them to determine the impact of such programs on GTE Wireless’s customer base.

Based on recent changes in the law and in the wireless telecommunications market, the Commission finds that customer count information is the type of information that falls within the provisions of KRS 61.878(1)(c). Marina Management Servs., Inc. v. Cabinet for Tourism, Ky., 906 S.W.2d 318 (1995). Accordingly, customer count information should be granted confidential treatment and withheld from public disclosure.

The Commission, having been sufficiently advised, HEREBY ORDERS that the request by GTE Wireless that customer count information be held as confidential and withheld from public disclosure is granted.

Done at Frankfort, Kentucky, this 24<sup>th</sup> day of February, 2000.

By the Commission

ATTEST:

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Executive Director