

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING GEARHEART	)	CASE NO.
COMMUNICATIONS, INC. D/B/A COALFIELDS	)	2013-00192
TELEPHONE COMPANY	)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On June 11, 2013, Gearheart Communications, Inc. d/b/a Coalfields Telephone Company ("Movant") moved pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the information it is requesting to be held confidential is contained in Exhibit 6 to its Application for a general adjustment of rates. The information in Exhibit 6 is more particularly described as data related to the revenue changes due to adjustment of terminating access rates pursuant to Federal Communications Commission requirements, disclosure of which could result in a competitive disadvantage to Movant.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials contained in Exhibit 6 to the Application for which Movant seeks confidential treatment are records that are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to competitors, and therefore meet the criteria for confidential treatment and are

exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

2. The materials for which Movant seeks confidential treatment should not be placed in the public record for five years, or until further Order of this Commission.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection for Exhibit 6 to the Application is hereby granted under the exemption of KRS 61.878(1)(c)(1).

2. The information in Exhibit 6 to Movant's Application shall not be placed in the public record or made available for public inspection for five years, or upon further Order of this Commission. At the end of this period, the materials shall be placed in the record. The Movant may request the materials continue to be treated as confidential but must demonstrate that the materials still fall within the exclusions established in KRS 61.878.

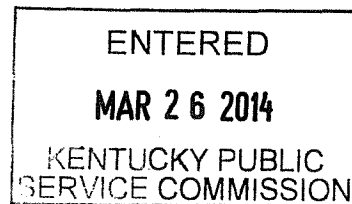
3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the materials are afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the materials in question after the end of the period set forth in ordering paragraph 2.

4. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission



ATTEST:

  
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Executive Director

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