

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TOTAL CALL MOBILE,)	
INC. FOR LIMITED DESIGNATION AS AN)	CASE NO.
ELIGIBLE TELECOMMUNICATIONS)	2014-00268
CARRIER)	

ORDER

On October 28, 2014, Total Call Mobile, Inc. (“Movant”) filed a petition, pursuant to 807 KAR 5:001, Section 13(a), and KRS 61.878, requesting that the Commission grant confidential protection to portions of Movant’s Responses to Commission Staff’s First Request for Information (“Staff’s Request”). Movant requests that its responses to Item 4 and 5 of Staff’s Request remain confidential for an indefinite period. The portions of the responses at issue in this petition include business planning and marketing strategies.

In support of its petition for confidential treatment, Movant argues that the designated information would permit an unfair commercial advantage to Movant’s competitors if it were publicly disclosed, thus is generally recognized as confidential or proprietary and is exempt from public disclosure pursuant to KRS 61.878(1)(c). Movant further argues that public disclosure of the information sought to be protected would enable Movant’s competitors to determine whether and how to compete with Movant to provide service to Lifeline-eligible customers.

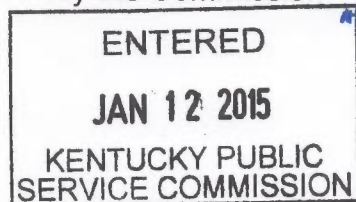
Having carefully considered the petition for confidential treatment and the materials at issue, the Commission finds that the materials for which Movant requests

confidential treatment do not meet the criteria for confidential treatment under 807 KAR 5:001, Section, 13, and KRS 61.878(1)(c). The Commission finds that the disclosure of materials contained in Movant's responses to Items 4 and 5 of Staff's First Request would not provide existing and potential competitors with an unfair competitive advantage. The information for which Movant requests confidential treatment does not contain specific marketing practices or business planning strategies, but instead consists of statements of a general nature regarding business practices. Movant's request for confidential treatment of its responses to Items 4 and 5 and Staff's First Request should be denied.

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is hereby denied.
2. The materials for which Movant's request for confidential treatment has been denied shall not be placed in the public record or made available for inspection for 20 days from the date of this Order in order to allow Movant to seek a remedy afforded by law.

By the Commission



ATTEST:



Executive Director

Robert Yap
Chief Legal Officer
1411 W. 190th Street, Suite 700
, CALIFORNIA 90248

Mark S Yurick
Taft Stettinius & Hollister, LLP
65 E. State Street, Suite 1000
Columbus, OHIO 43215