

CASE

NUMBER:

99-384

INDEX FOR CASE: 1999-384
GTE WIRELESS OF THE SOUTH
Confidentiality

GTE WIRELESS OF THE MIDWEST & KENTUCKY RSA #1 PARTNERSHIP; (Customer Count)

IN THE MATTER OF GTE WIRELESS OF THE SOUTH INCORPORATED, GTE
WIRELESS OF THE MIDWEST INCORPORATED AND KENTUCKY RSA NO. 1
PARTNERSHIP FOR A PETITION FOR CONFIDENTIAL PROTECTION OF
THE CUSTOMER COUNT NUMBERS

SEQ NBR	ENTRY DATE	REMARKS
0001	09/14/1999	Application.
0002	09/17/1999	Acknowledgement letter.
0003	02/24/2000	Final Order granting request for confidential treatment of customer count info.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-384
GTE WIRELESS OF THE SOUTH

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on February 24, 2000.

Parties of Record:

Honorable Jeffrey J. Yost
Attorney at Law
Jackson & Kelly PLLC
175 East Main Street
P. O. Box 2150
Lexington, KY. 40588 9945

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the South, GTE
Wireless of the Midwest & KY RSA #1
1 GTE Place
MC GA3B1REG
Alpharetta, GA. 30004 8511


Secretary of the Commission

SB/hv
Enclosure

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 24th day of February, 2000.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
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September 17, 1999

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

Honorable Jeffrey J. Yost
Attorney at Law
Jackson & Kelly PLLC
175 East Main Street
P. O. box 2150
Lexington, KY 40588-9945

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the South, Inc.,
GTE Wireless of the Midwest, Inc.,
& Kentucky RSA #1 Partnership
1 GTE Place
MC GA3B1REG
Alpharetta, GA 30004-8511

RE: Case No. 99-384
GTE WIRELESS OF THE MIDWEST, INC.,
GTE OF THE SOUTH, INC., &
KENTUCKY RSA #1 PARTNERSHIP
(Confidentiality) Customer Count Numbers

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received September, 14 1999 and has been assigned Case No. 99-384. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc



Ms. Helen Helton
September 14, 1999
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In accordance with GTE Wireless' efforts to prevent the disclosure of this information, it feels it must request a hearing on your reevaluation. We would appreciate your providing us the reason for your determination so we can be prepared to address your concerns at the hearing.

Sincerely yours,



Jeffrey J. Yost

JJY:bsh
c: GTE Wireless

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February 23, 1999

Jeffrey J. Yost
Jackson & Kelly
175 East Main Street, Suite 500
P.O. Box 2150
Lexington, KY 40595-2150

RE: GTE Wireless of the South Incorporated
GTE Wireless of the Midwest Incorporated
Kentucky RSA No. 1 Partnership
99-00102
Petition for Confidential Protection

Dear Mr. Yost,

The Commission has received the petition filed November 5, 1998, on behalf of GTE Wireless of the South Incorporated, GTE Wireless of the Midwest Incorporated, and Kentucky RSA No. 1 Partnership, to protect as confidential the surcharge remitted and their number of access lines, contained in the companies monthly report of revenues collected for the Kentucky Universal Service Fund. A review of the information has determined that it is entitled to the protection requested on the grounds relied upon in the petition and it shall be withheld from public inspection.

If the information becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a) to inform the Commission so that the information may be placed in the public record.

Sincerely,

A handwritten signature in black ink that reads "Helen C. Helton".

Helen C. Helton
Executive Director