

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF BALLARD RURAL TELEPHONE) CASE NO.
COOPERATIVE CORPORATION, INC.) 2013-00190

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On June 11, 2013, Ballard Rural Telephone Cooperative Corporation, Inc. ("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 two exhibits 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. The information in Exhibit 7 is more particularly described as the Movant's operating expenses and revenues, 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 information contained in Exhibit 7 to the Application, which contains Movant's operating expenses, revenues, and Times Interest Earned Ratio, does not meet the criteria for confidential treatment. The information for which confidential treatment is sought is financial data that is publicly available through Movant's annual report on file with Commission as well as through other public sources.

3. With the exception of the materials contained in Exhibit 7 to Movant's Application, 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. Movant's request for confidential treatment for the information contained in Exhibit 7 to the Application is denied.

3. 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 material shall be placed in the record. The Movant may request the material continue to be treated as confidential, but must demonstrate that the material still falls within the exclusions established in KRS 61.878.

4. 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 material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the material in question after the end of the period set forth in ordering paragraph 3.

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

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

7. 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.

8. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment to allow Movant to seek a remedy afforded by law.

By the Commission

ENTERED
MAR 26 2014
KENTUCKY PUBLIC
SERVICE COMMISSION

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