

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|------------------------------------|---|----------|
| LONG DISTANCE/USA, INC., FOR A |) | |
| CERTIFICATE OF CONVENIENCE AND |) | |
| NECESSITY TO OPERATE AS A RESELLER |) | CASE NO. |
| OF TELECOMMUNICATIONS SERVICES |) | 89-130 |
| WITHIN THE STATE OF KENTUCKY |) | |

O R D E R

This matter arising upon petition of Long Distance/USA, Inc. ("LD/USA") filed July 10, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain financial information filed with the Commission, and it appearing to the Commission as follows:

LD/USA has petitioned this Commission to protect from public disclosure Exhibit H of its application. In support of its petition, LD/USA has submitted the affidavit of its vice-president stating that its company has expended substantial money, time, and labor in developing the information; that the information is secret and that LD/USA has made a conscientious and continuing effort to maintain the secrecy of the information, including the prevention of unauthorized disclosure by its employees; that the information is of extreme value to the company and would be of value to its competitors; that it would be difficult for a competitor to determine the confidential information by analysis, examination, and known procedures, and that the information is

highly proprietary and is determinant of the company's service cost and pricing practices and abilities.

807 KAR 5:001, Section 7, adopted by the Commission, protects information as confidential only when it is established that disclosure will result in competitive injury to the person possessing the information in that it will provide the possessor's competitors with an unfair business advantage. The regulation is consistent with the ruling enunciated in National Parks Conservation Association v. Morton, 498 F. 2d 765, 770 (D.C. Cir. 1974) cited by LD/USA as authority for its position. However, neither the petition nor the supporting affidavit states how, or in what manner, public disclosure of the information sought to be protected would provide LD/USA competitors with an unfair business advantage, and the petition, therefore, does not establish a basis for protection.

This Commission being otherwise sufficiently advised,

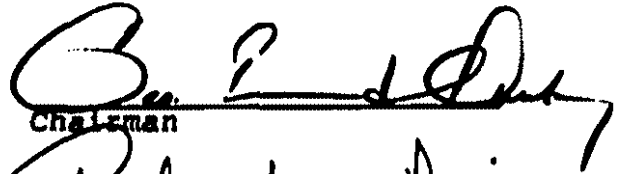
IT IS ORDERED that:

1. The petition by LD/USA for confidential protection of the information furnished in Exhibit H to its application shall be held in abeyance to allow LD/USA to supplement the petition with a statement setting forth with specificity its reasons for believing that disclosure of the information sought to be protected will cause the company substantial competitive injury.

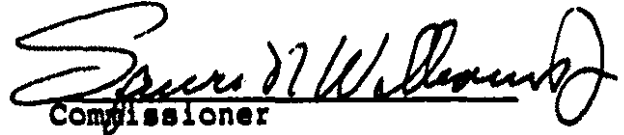
2. If such statement is not filed within 10 days, the petition for confidentiality shall, without further Orders herein, be denied.

Done at Frankfort, Kentucky, this 17th day of August, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director