

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SOUTHERNNET, INC. FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO PROVIDE LONG DISTANCE )  
TELECOMMUNICATIONS SERVICES, INCLUDING ) CASE NO.  
OPERATOR-ASSISTED SERVICES, STATEWIDE ) 89-134  
AS A WATS RESELLER WITHIN THE COMMON- )  
WEALTH OF KENTUCKY )

O R D E R

This matter arising upon petition of SouthernNet, Inc. ("SouthernNet") filed August 7, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain information filed with this Commission in response to its Order of July 10, 1989, and it appearing to this Commission as follows:

SouthernNet has filed an application for a certificate of public convenience and necessity for authority to operate as a WATS reseller. On July 10, 1989, the Commission ordered SouthernNet to file certain information in response to 27 data requests. Among the data requested is information concerning SouthernNet's network configurations and commercial relationships. SouthernNet has petitioned the Commission to protect from public disclosure as confidential information the identity of facilities-based carriers whose services SouthernNet intends to resell (data request 1); the identity of the tariffed services SouthernNet intends to resell and whether the services will be obtained from intrastate or interstate tariffs (data request 2);

copies of the contracts which cover the terms of the agreement between SouthernNet and its facilities-based carriers if SouthernNet intends to resell services not available under an approved tariff (data request 3); a diagram of SouthernNet's network (data request 4); an explanation of how SouthernNet will assure that intrastate access charges will be paid if switching locations and/or points of presence are located outside of Kentucky (data request 5); a description of how calls will be transported from the customer's premises to the operator service centers (data request 11); a specification of the facilities or services used by SouthernNet to transport calls to a customer's premises from SouthernNet's originating point-of-presence, an identification of the local exchange carriers from whom such access and/or services are purchased (data request 12); a specification of the facilities and/or services used to bridge operators onto a call placed over the SouthernNet network (data request 13); a description of how such calls are transported to final termination points (data request 14); copies of all current contracts for the provision of operator services (data request 15); an explanation of how SouthernNet transfers calls to other operator service providers when requested by an end-user (data request 19); an explanation of SouthernNet calling card validation capabilities (data request 20); and a listing of financial institutions with which SouthernNet has a line of credit, and a credit line with each institution (data request 22). SouthernNet maintains that the information furnished in response to these data requests is not disclosed to the public, is not known outside of

SouthernNet, is known only to those SouthernNet employees who have a legitimate business need to know the information in order to perform their job responsibilities, and that the information is commercially sensitive and if discovered by competitors would benefit those competitors to SouthernNet's competitive disadvantage. SouthernNet states that the disclosure of this information would reveal how SouthernNet has structured its network and that its competitors could use the information to improve their own competitive standing in the marketplace. The petition does not state, however, how the information could be used to that effect.

807 KAR 5:001, Section 7, protects information as confidential only when it is established that disclosure would result in competitive injury to the person possessing the information in that it will provide the possessor's competitors with an unfair business advantage. While the information SouthernNet seeks to protect may inform its competitors on how SouthernNet has structured its network, it is not established how competitors would benefit from that information.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

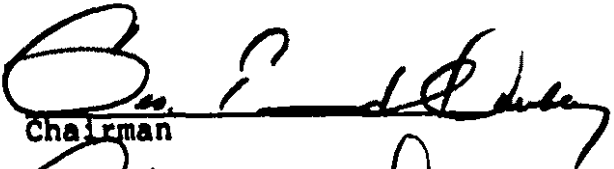
1. The petition from SouthernNet for confidential protection of the information furnished in response to the July 10, 1989 Order of the Commission shall be held in abeyance to allow SouthernNet to supplement its petition with a statement setting forth with specificity its reason for believing that

disclosure of the information sought to be protected will cause it 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:

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Executive Director