

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE MERGER OF LDDS COMMUNICATIONS, ) INC., AND ADVANTAGE COMPANIES, INC. )	CASE NO. 89-192
---	--------------------

O R D E R

This matter arising upon three petitions of LDDS Communications, Inc. and its wholly-owned subsidiaries LDDS of Indiana, Inc. d/b/a LDDS Communications and LDDS of Kentucky, Inc. (formerly known as Telcor, Inc. d/b/a TMC of Louisville) and Advantage Companies, Inc. and its wholly-owned subsidiary Advantage Long Distance, Inc. (jointly "LDDS") filed July 12, 1989, August 1, 1989, and August 7, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain financial information, and it appearing to the Commission as follows:

On July 12, 1989, LDDS filed its joint application containing certain financial information in paragraph 8 and in Exhibit D. On August 1, 1989, LDDS filed an Amended Joint Application for Merger containing financial information in paragraph 2. Finally, on August 7, 1989, LDDS filed a Third Amended Joint Application for Merger containing certain financial information in paragraph 4 of the application. LDDS has petitioned this Commission to protect the financial information as confidential on the grounds that the information is not known outside LDDS's business, that employees and others involved in LDDS's business do not have access to the

information except on a need-to-know basis, that the financial information is not customarily disclosed to the public and would be of little value to anyone other than LDDS competitors, that there is little or no public interest in disclosure of the information, and that the disclosure would result in substantial competitive harm to LDDS.

807 KAR 5:001, Section 7, 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. While LDDS states generally that disclosure of the information sought to be protected will cause competitive injury, the petition does not state how or why such injury would occur and, therefore, does not satisfy the requirements of the regulation.

This Commission being otherwise sufficiently advised,

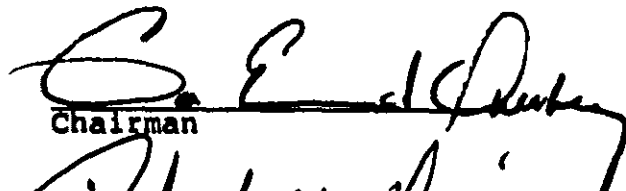
IT IS ORDERED:

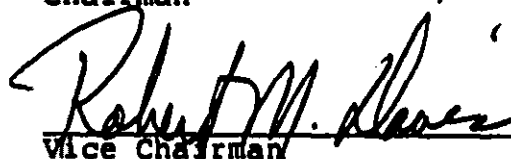
1. That the petitions by LDDS for confidential protection of the financial information contained in paragraph 8 and Exhibit D to the joint application, paragraph 2 of the Amended Joint Application for Merger, and paragraph 4 of the Third Amended Joint Application for Merger shall be held in abeyance to allow LDDS to supplement the petition with a statement setting forth with specificity the reasons for believing that the disclosure of the information sought to be protected would cause 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 18th day of August, 1989.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

\_\_\_\_\_  
Executive Director