COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| THE APPLICATION OF CONQUEST OPERATOR SERVICES CORP. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A RESELLER OF TELECOMMUNICATIONS SERVICES WITHIN THE STATE OF KENTUCKY | ) ) ) ) ) | CASE NO. 89-203 |

# O R D E R

This matter arising upon petition of Conquest Operator Services Corp. ("Conquest") filed September 5, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain information filed with this Commission pursuant to an information request, and it appearing to the Commission as follows:

Conquest seeks protection from public disclosure of certain information contained in Appendix A to its response to an information request on the grounds that the information is proprietary and confidential. 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 other words, the petition must establish that disclosure of the information is likely to cause substantial harm to the competitive position of the person from whom it was obtained and provide an unfair advantage to that person's competitors.

When the information sought to be protected is claimed to be a trade secret, some of the factors considered in determining the likelihood of competitive injury are the extent to which the information is known outside the petitioner's business, the extent to which the information is known to the petitioner's employees and others involved in the petitioner's business, the extent of measures taken by the petitioner to safeguard the information, the value of the information to the petitioner and to its competitors, the amount of money or effort expended by the petitioner to develop the information, and the ease or difficulty of others to acquire or duplicate the information. Some of the factors in determining whether information claimed to be commercial information should be protected from public disclosure are evidence of actual competition and a likelihood of substantial competitive injury, the extent to which the information of the sort is customarily disclosed to the public, and the extent to which the petitioner's private competitive interests outweigh the public's interest in disclosure.

The petition filed herein does not establish that public disclosure of the information sought to be protected will result in competitive injury to Conquest and therefore the petitioner has not established that the information should be protected from public disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition by Conquest for confidential protection of the information contained in Appendix A to its response to the

information request shall be held in abeyance to allow Conquest to supplement its 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 18th day of September, 1989.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Executive Director