

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

This matter arising upon petition of ConQuest Operator Services Corp. ("ConQuest") filed September 28, 1989, pursuant to 807 KAR 5:001, Section 7, for confidential protection of information submitted as Appendix A in response to the Commission's Order dated September 18, 1989 requesting information, on the grounds that such information is commercial information or trade secrets entitled to confidential protection, and it appearing to the Commission as follows:

ConQuest seeks to protect as confidential information contained in its responses to Item 15 and to Item 17 of the Commission's information request. Item 15 asked that ConQuest provide all current contracts entered into with any business, institution, or corporation for the provision of operator services. Item 17 asked that ConQuest provide the credit lines obtained by ConQuest and from whom obtained.

ConQuest maintains that customer lists and contracts with customers which it has furnished in response to Item 15 are not information or documents which are customarily disclosed to the

public due to the business and private interests of both the provider and the customer. ConQuest also maintains that information as to credit or sources of capital which were furnished in response to Item 17 are similarly sensitive and guarded.

807 KAR 5:001, Section 7, protects information as confidential only when it is established that public disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and the likelihood of substantial competitive injury if the information is disclosed.

The contracts entered into by ConQuest would not only furnish its competitors with the terms and conditions of the services it offers to its customers, it would also reveal the identities of those customers. This information would be of substantial value to ConQuest's competitors and would likely cause substantial harm to the competitive position of ConQuest. Therefore, this information should be protected from public disclosure.

There is no evidence, however, that the information concerning credit or sources of capital furnished in response to Item 17 could be used by competitors to gain any advantage over ConQuest. Therefore, this information should not be protected from public disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED:

1. The contracts entered into by ConQuest with any business, institution, or corporation furnished in response to Item 15 of the Commission's September 18, 1989 Order, which ConQuest has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. ConQuest shall, within 10 days from the date of this Order, file an edited copy of the contracts with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

3. The petition to protect from public disclosure the information furnished by ConQuest in response to Item 17 of the September 18, 1989 Order is denied and such information shall be placed in the public record upon the expiration of 5 working days from the date of this Order.

Done at Frankfort, Kentucky, this 9th day of November, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:

Executive Director