

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| THE APPLICATION OF FORD COMMUNICATIONS |) | |
| FOR A CERTIFICATE OF PUBLIC CONVENIENCE |) | CASE NO. |
| AND NECESSITY TO OPERATE AS A RADIO |) | 89-242 |
| COMMON CARRIER |) | |

O R D E R

This matter arising upon petition of Joe Ford d/b/a Ford Communications ("Ford Communications") filed November 10, 1989 for confidential protection of a personal financial statement on the grounds that disclosure would constitute an unwarranted invasion of personal privacy, for confidential protection of a potential customer list, and for confidential protection of a projected statement of revenues and expenses on the grounds that public disclosure is likely to cause competitive injury, and it appearing to the Commission as follows:

Ford Communications has filed an application for a Certificate of Public Convenience and Necessity to operate as a radio common carrier. As a part of the application, Ford Communications has attached as Exhibit G, the personal financial statement of Joe Ford, as Exhibit F a potential customer list, and as Exhibit H a projected statement of revenues and expenses. Ford Communications has petitioned that the information contained in these petitions be protected from public disclosure.

The personal financial statement, filed as Exhibit G to the application, contains information regarding Mr. Ford's personal

assets and liabilities including bank accounts, real estate holdings, personal property, leases and notes. The information has been provided to the Commission for use in evaluating the application and the information contained in the statement is personal to Mr. Ford.

KRS 61:878(1)(a) exempts "information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." The purpose of the exemption is to prevent an unwarranted invasion of a person's privacy by protecting personal information concerning the individual unless the public's interest in the information outweighs the harm to the individual's privacy interest. Here, Mr. Ford's privacy interest in the personal financial statement outweighs the public's interest in the information. Therefore, disclosure of the information would constitute an unwarranted invasion of Mr. Ford's privacy, and the petition for confidential protection of this personal financial should be granted.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure will result in competitive injury to the person from whom the information was obtained. In order to qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information provides competitors with an unfair advantage in the market.

The potential customer list contained in Exhibit F to the application identifies potential customers of Ford Communications. This information would be of significant value to competitors of Ford Communications and the petition to protect it from disclosure should be granted.

The projected statement of revenues and expenses contained in Exhibit H to the application provides information that could be useful in evaluating the financial and competitive position of Ford Communications. This information could be used by competitors of Ford Communications in devising market strategies and it should be protected from disclosure.

This Commission being otherwise sufficiently advised,

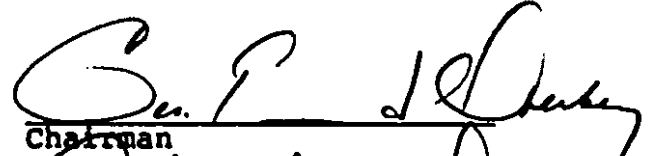
IT IS HEREBY ORDERED that:

1. The personal financial statement (attached as Exhibit G to the application), the potential customer list (attached as Exhibit F to the application), and the projected statement of revenues and expenses (attached as Exhibit H to the application), which Joe L. Ford d/b/a Ford Communications has petitioned be withheld from public disclosure, shall be held and retained by the Commission as confidential and shall not be open for public inspection.

2. Joe L. Ford d/b/a Ford Communications shall within 10 days of this Order, file edited copies of the exhibits with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 11th day of December, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:

Executive Director