

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE JOINT FILING OF LCI)	
COMMUNICATIONS, INC. AND)	
PHOENIX NETWORK CORPORATION)	
FOR AUTHORIZATION FOR THE)	
ACQUISITION OF PHOENIX)	CASE NO.
NETWORK CORPORATION BY LCI)	89-292
COMMUNICATIONS, INC. AND)	
SUBSEQUENT CONSOLIDATION OF)	
PHOENIX NETWORK CORPORATION)	
CHARTER MANAGEMENT INCOR-)	
PORATED, AND CHARTER NET-)	
WORK COMPANY LP)	

O R D E R

This matter arising upon petition of LCI Communications, Inc. ("LCI") filed October 3, 1989, pursuant to 807 KAR 5:001, Section 7, for confidential protection of its Pro Forma Financial Statements, its Consolidated Balance Sheet, and its Income Statement on the grounds that public disclosure is likely to result in substantial competitive injury, and it appearing to this Commission as follows:

LCI has filed with the Commission a joint application seeking approval of the acquisition of Phoenix Network Corporation and post-acquisition consolidation. As part of the joint application, LCI has submitted Pro-Forma Financial Statements, a Consolidated Balance Sheet, and an Income Statement and has petitioned the Commission to protect the information as confidential on the grounds that public disclosure is likely to result in substantial competitive injury to LCI. The petition does not disclose the

identity of the competing interest to whom the information would be of value nor does it state how the information could be used by LCI competitors.

807 KAR 5:001, Section 7, protects information as confidential only when it is established that disclosure will result in competitive injury to the party from whom the information was obtained. In order to satisfy these requirements the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. The petition does not demonstrate that LCI actually faces competition or that substantial competitive injury will likely result from disclosure. Therefore, the petition should not be granted.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition by LCI for confidential protection of the Pro Forma Financial Statements, the Consolidated Balance Sheet, and the Income Statement shall be held in abeyance to allow LCI 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 8th day of November, 1989.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:

Executive Director