

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF SALYERSVILLE GAS COMPANY )	
TO DETERMINE ITS QUALITY OF GAS, STATUS )	
AND REASONS FOR PAYMENT DELINQUENCIES, )	CASE NO. 90-157
AND WHETHER A LONG-TERM, RELIABLE SOURCE )	
OF GAS AT A REASONABLE PRICE IS AVAILABLE )	
_____ )	
ALLEGED VIOLATION OF KRS CHAPTER 278 AND )	
807 KAR 5:022 )	

O R D E R

This matter arising upon request of Centran Corporation ("Centran") filed June 1, 1990 for confidential protection of certain documents filed in this proceeding and it appearing to this Commission as follows:

This Commission is required by KRS 61.872 to maintain for public inspection all public records in its custody unless specifically exempted by law. Public records are defined by KRS 61.870(2) to include all "documentary materials . . . which are . . . in the possession of or retained by a public agency."

Exemptions from disclosure are contained in KRS 61.878(1). That section of the statutes exempts nine classifications of information, including commercial information which "if publicly disclosed would permit an unfair advantage to competitors of the subject enterprise." To protect information under this section, applicants are required to petition the Commission in accordance

with the procedures set forth in 807 KAR 5:001. To qualify for the exemption, the petition must establish that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this requirement, 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 gives competitors an unfair business advantage. The request by Centran does not meet the requirements of the statute and Centran is not entitled to protection of the information.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The documents filed by Centran on June 1, 1990, which Centran has requested be withheld from public disclosure, shall be held as confidential and proprietary for a period of 20 days to allow Centran an opportunity to file the proper petition in accordance with 807 KAR 5:001, Section 7.

2. Any petition so filed shall identify competitors of Centran who would benefit from knowledge of the information sought to be protected and how such competitors could use the information to gain an unfair business advantage over Centran.

3. If no petition is filed within 20 days from the date of this Order, the information sought to be protected shall be placed in the public record.

Done at Frankfort, Kentucky, this 5th day of September, 1990.

ATTEST:

  
Executive Director

PUBLIC SERVICE COMMISSION  
  
For the Commission