

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE MOBILNET)	
INCORPORATED FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE DOMESTIC)	CASE NO.
PUBLIC CELLULAR TELECOMMUNICATIONS)	90-306
SERVICE TO THE PUBLIC IN RURAL)	
SERVICE AREA #5 (BARREN) OF THE)	
COMMONWEALTH OF KENTUCKY)	

O R D E R

This matter arising upon petition of GTE Mobilnet Incorporated ("GTE Mobilnet") filed October 4, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of Exhibit 1 to its petition, on the grounds that disclosure of the information is likely to cause GTE Mobilnet competitive injury, and it appearing to this Commission as follows:

GTE Mobilnet has applied for a Certificate of Public Convenience and Necessity to provide domestic public cellular telecommunications service to the public in rural service area #5 (Barren). Exhibit 1 to the petition, which is the same document attached to the application as Exhibit 4, is GTE Mobilnet's financial projections, specifically gross revenues, gross expenses, net income, capital requirements and net cash requirements. GTE Mobilnet contends that disclosure of the information contained in this exhibit is likely to cause it competitive injury and has petitioned that the information be protected as confidential.

The information sought to be protected is not generally known outside of GTE Mobilnet's business and is not generally known by its employees except on a need-to-know basis. GTE Mobilnet has sought to protect and preserve the confidentiality of this information by all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that 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 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 cellular telephone market is a competitive industry and GTE Mobilnet will have competition in the rural statistical area in which it proposed to construct the system which is described in its application for a Certificate of Public Convenience and Necessity. Potential competitors could use the information contained in the exhibit to structure rates in such a manner that GTE Mobilnet would be unable to compete effectively for customers. Therefore, disclosure of the information is likely to cause GTE Mobilnet competitive injury and the information is entitled protection as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. GTE's financial projections, attached as Exhibit 1 to its petition for confidential protection and as Exhibit 4 of its application for a Certificate of Public Convenience and Necessity, which GTE Mobilnet 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.

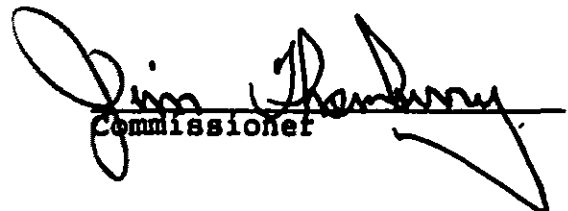
2. GTE Mobilnet shall, within 10 days of the date of this Order, file an edited copy of Exhibit 1 with the confidential material obscured for inclusion in a public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 21st day of November, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director