

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO DIVERSIFIED)	
OPERATIONS OF LOCAL EXCHANGE)	ADMINISTRATIVE
TELEPHONE COMPANIES)	CASE NO. 340

O R D E R

This matter arising upon petition of South Central Rural Telephone Cooperative Corporation, Inc. ("South Central RTCC") filed November 12, 1991 for confidential protection of information to be filed in response to the Commission's Order of October 25, 1991 on the grounds that disclosure of the information is likely to cause South Central RTCC competitive injury, and it appearing to this Commission as follows:

On October 25, 1991, the Commission directed all local exchange telephone companies in this proceeding, including South Central RTCC, to file certain information concerning their cellular operations and business. By this motion, South Central RTCC seeks to protect from public disclosure in advance of its filing the information it is required to furnish in compliance with the Order.

Information filed with this Commission is subject to the provisions of the Kentucky Open Records Act as codified in KRS 61.870 through KRS 61.878(8)(4). As required by KRS 61.872(1), the Commission is required to make such information and its files available for public inspection unless specifically exempted by

statute. The statutory exemptions are found in KRS 61.878(1) which lists 10 categories of information that are entitled to protection. One of those exemptions, contained in Subsection (1)(b), pertains to commercial information. To qualify for this exemption, the statute requires that the information must be submitted to the agency in confidence, the information must be generally recognized as confidential or submitted for the grant or review of a license to do business, and the information, if disclosed, would permit an unfair advantage to competitors of the party from whom the information was obtained. Each request for protection must be determined in accordance with these criteria and, except in extraordinary circumstances, a petition for confidential protection cannot be approved or denied until the information has been filed and reviewed by the Commission. Therefore, the petition should be denied.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

1. The petition to protect as confidential the information to be furnished by South Central RTCC in response to the Commission's Order of October 25, 1991 prior to the filing of the information be and is hereby denied.


2. South Central RTCC shall, within 20 days of the date of this Order, file the information sought to be protected in compliance with the Order of October 25, 1991.

Done at Frankfort, Kentucky, this 20th day of December, 1991.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ATTEST:


Executive Director