

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF MCI TELECOMMUNICATIONS	)	
CORPORATION FOR CONFIDENTIAL	)	CASE NO.
TREATMENT OF INFORMATION CONTAINED	)	91-196
IN ITS 1990 ANNUAL REPORT	)	

O R D E R

This matter arising upon petition of MCI Telecommunications Corporation ("MCI") filed June 4, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of Attachment No. 1 to its 1990 Annual Report on the grounds that disclosure of the information is likely to cause MCI competitive injury, and it appearing to this Commission as follows:

MCI seeks to protect as confidential the financial information contained in Attachment No. 1 to its 1990 Annual Report. This attachment contains information regarding MCI's revenues and operations. Specifically disclosed is a detailed breakdown of MCI's Kentucky intrastate gross revenues, estimated access charges, and contributions after access charges; a detailed breakdown of MCI's Kentucky interstate gross revenues, estimated access charges, and contributions after access charges; the exact number and type of MCI's customers in Kentucky; and MCI's investments (at cost) in each of Kentucky's counties. MCI maintains that disclosure of the information would enable MCI's competitors to analyze MCI's position in the Kentucky

telecommunications market relative to its own. It would also give them information with which to evaluate MCI's business and pricing strategy for business in Kentucky.

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. MCI's petition does not satisfy this test.

The information sought to be protected is not provided in sufficient detail to permit any meaningful analysis of MCI's position in the Kentucky telecommunications market, nor would it give information to competitors who wish to evaluate MCI's business and pricing strategy for business in Kentucky. Therefore, disclosure of the information is not likely to cause MCI competitive injury and it should not be protected.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. The petition to protect as confidential the financial information contained in Attachment No. 1 to MCI's 1990 Annual Report be and is hereby denied.


2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five

working days from the date of this Order, at the expiration of which time, it shall be placed in the public record.

Done at Frankfort, Kentucky, this 9th day of July, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director