

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF FIRST KENTUCKY CELLULAR	)	
CORP., A DELAWARE CORPORATION D/B/A	)	
CELLULAR TELEPHONE COMPANY OF KENTUCKY,	)	
FOR THE ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	
PROVIDE DOMESTIC PUBLIC CELLULAR RADIO	)	CASE NO.
TELECOMMUNICATIONS SERVICE TO THE	)	91-247
PUBLIC IN THE KENTUCKY RURAL SERVICE	)	
AREA WHICH INCLUDES BELL, CLAY, HARLAN,	)	
KNOX, LESLIE, AND WHITLEY COUNTIES IN	)	
KENTUCKY, FOR APPROVAL OF FINANCING,	)	
AND FOR ESTABLISHMENT OF INITIAL RATES	)	

O R D E R

This matter arising upon petition of First Kentucky Cellular Corp. d/b/a Cellular Telephone Company of Kentucky ("First Kentucky Cellular") filed September 23, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its revised business plan which includes estimates of construction and equipment costs, financial projections, and pro forma income statements on the grounds that disclosure of the information is likely to cause First Kentucky Cellular competitive injury, and it appearing to this Commission as follows:

First Kentucky Cellular has applied for a Certificate of Public Convenience and Necessity to provide domestic public cellular telecommunications service to the public. In support of its application, First Kentucky Cellular has filed its revised business plan which includes estimates of construction and

equipment costs, financial projections, and pro forma income statements which it seeks to protect as confidential.

The information sought to be protected is generally not known outside of First Kentucky Cellular and is not known by its employees except on a need-to-know basis. First Kentucky Cellular seeks to protect and preserve the confidentiality of the information through 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.

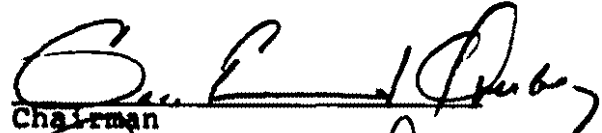
The cellular telephone market is a competitive industry, and First Kentucky Cellular will have competition in the area in which it proposes to construct its system. Its competitors could use the information sought to be protected by structuring their rates and marketing their services in a manner which would preclude First Kentucky Cellular from competing effectively for customers. Therefore, disclosure of the information is likely to cause First Kentucky Cellular competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the estimates of construction and equipment costs, financial projections, and pro forma income statements contained in First Kentucky Cellular's revised business plan, which First Kentucky Cellular 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.

Done at Frankfort, Kentucky, this 8th day of October, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director