

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MO-TEL CELLULAR, INC., A GEORGIA)	
CORPORATION D/B/A CELLULAR ONE)	
WESTERN KENTUCKY CELLULAR TELEPHONE)	
COMPANY, AND D/B/A WESTERN KENTUCKY)	
CELLULAR TELEPHONE COMPANY FOR THE)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	CASE NO.
PROVIDE DOMESTIC PUBLIC CELLULAR)	91-290
RADIO TELECOMMUNICATIONS SERVICE TO)	
THE PUBLIC IN THE KENTUCKY RURAL)	
SERVICE AREA WHICH INCLUDES)	
COUNTIES IN KENTUCKY, FOR APPROVAL)	
OF FINANCING, AND FOR ESTABLISHMENT)	
OF INITIAL RATES)	

O R D E R

This matter arising upon petition of Mo-Tel Cellular, Inc. d/b/a Cellular One Western Kentucky Cellular Telephone Company and d/b/a Western Kentucky Cellular Telephone Company ("Mo-Tel Cellular") filed August 14, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its Business Plan, Schedule of Indebtedness, and Term Sheet, Vendor Financing Agreement filed in support of its application herein on the grounds that disclosure of the information is likely to cause Mo-Tel Cellular competitive injury, and it appearing to this Commission as follows:

In this proceeding, Mo-Tel Cellular is seeking approval of its application for a Certificate of Public Convenience and Necessity to provide domestic public cellular telecommunications

service to the public in the state of Kentucky, approval of its financing, and approval of its establishment of initial rates. In support of its application, Mo-Tel Cellular has filed a Business Plan which includes estimates of the cost of construction and pro forma financial statements, a Schedule of Indebtedness, and a Term Sheet, Vendor Financing Agreement between Mo-Tel Cellular and NovAtel Finance, Inc. By this petition, Mo-Tel Cellular seeks to protect the information as confidential.

The information sought to be protected is not known outside of Mo-Tel Cellular and is not generally known within Mo-Tel Cellular except by those employees who have a business need to know the information. Mo-Tel Cellular seeks to preserve and protect 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.

Mo-Tel Cellular will face competition from the wireline permittee, Contel Cellular, Inc., in the rural service area in which it plans to construct the proposed cellular system. Its competitors could use the information in devising marketing strategies and structuring its rates. Thus, disclosure of the

information is likely to cause Mo-Tel Cellular competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the Business Plan, Schedule of Indebtedness, and Term Sheet, Vendor Financing Agreement, which Mo-Tel 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 29th day of August, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director