

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CENTRAL KENTUCKY)
CELLULAR TELEPHONE COMPANY FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO) CASE NO. 91-298
PROVIDE DOMESTIC PUBLIC CELLULAR)
RADIO TELECOMMUNICATIONS IN)
KENTUCKY RURAL SERVICE AREA NO. 7)

O R D E R

This matter arising upon petition of Central Kentucky Cellular Telephone Company ("Central Kentucky Cellular") filed August 16, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its pro forma financial statements on the grounds that disclosure of the information is likely to cause Central Kentucky Cellular competitive injury, and it appearing to this Commission as follows:

Central Kentucky Cellular has applied for a Certificate of Public Convenience and Necessity to provide domestic public cellular radio telecommunications service in Kentucky Rural Service Area ("RSA") No. 7. In support of its application, Central Kentucky Cellular has filed its pro forma financial statements for its first year of operations. This information is not known outside of Central Kentucky Cellular and is not disclosed to its own employees except on a need-to-know basis.

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 Central Kentucky Cellular will face competition in the RSA it proposes to serve from BellSouth Mobility, Inc. The information sought to be protected consists of projected revenues and expenses and estimated assets and liabilities which could be used by its competitors to structure its rates and market its services in a manner that would preclude Central Kentucky Cellular from competing effectively for customers. Thus, disclosure of the information is likely to cause Central Kentucky Cellular competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

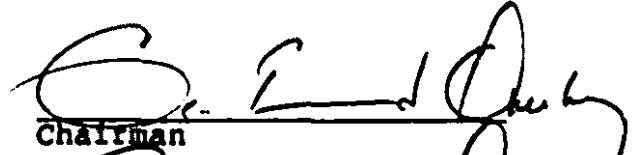
1. The pro forma financial statements for its first year of operations, which Central Kentucky Cellular has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

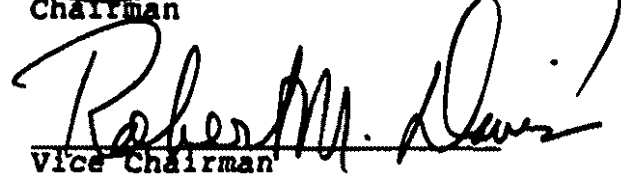
2. Central Kentucky Cellular shall, within 10 days of the date of this Order, file an edited copy of its pro forma financial

statements with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 4th day of September, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director