

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CALL HOME AMERICA,	)	
INC. FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO	)	CASE NO.
OPERATE AS A RESELLER OF	)	92-441
TELECOMMUNICATIONS SERVICES WITHIN	)	
THE STATE OF KENTUCKY	)	

O R D E R

This matter arising upon petition of Call Home America, Inc. ("Call Home America") filed November 25, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the financial statements and records filed in support of its application on the grounds that disclosure of the information is likely to provide competitors an unfair business advantage, and it appearing to this Commission as follows:

Call Home America has applied for a Certificate of Public Convenience and Necessity to operate within this state. In support of its application, it has filed financial statements and records which it has petitioned the Commission to protect as confidential. In support of its petition, Call Home America states that disclosure of the information would benefit its competitors in the telecommunications market.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of

information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. 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 petition filed by Call Home America neither identifies its competitors nor demonstrates how the information sought to be protected if publicly disclosed would damage its position in the telecommunications market. Therefore, the petition does not satisfy the confidentiality requirements of the statute.

Further, the information sought to be protected is of the type that public utilities are required to file with this Commission as part of their annual reports. The information is presented in summary form and does not contain sufficient detail to have significant competitive value. Therefore, it would have no value to competitors of Call Home America. No competitive harm having been established the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,

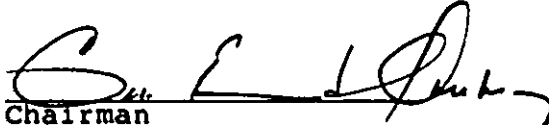
IT IS ORDERED that:

1. The petition to protect as confidential the financial statements and records filed by Call Home America in support of its application be and is hereby denied.

2. The information sought to be protected from disclosure shall be held and retained by this Commission as confidential for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 18th day of December, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director