

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF PACTEL PAGING OF)	
KENTUCKY, INC. FOR AN EXEMPTION)	CASE NO.
FROM THE REGULATION FOR ENHANCED)	92-425
SERVICES)	

O R D E R

This matter arising upon petition of PacTel Paging of Kentucky, Inc. ("PacTel") filed December 21, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the customer information contained in Exhibit 1 to the petition on the grounds that disclosure of the information is likely to cause PacTel competitive injury, and it appearing to this Commission as follows:

By Order of December 11, 1992, PacTel was directed to respond to a data request from the Commission. As part of its response, PacTel has identified six customers using voice mailboxes on a stand-alone basis. The identities of these customers are contained in an exhibit which PacTel has petitioned be protected as confidential.

The information sought to be protected is not known outside of PacTel's business. Employees and others involved in PacTel's business do not have access to the information except on a need-to-know basis.

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.

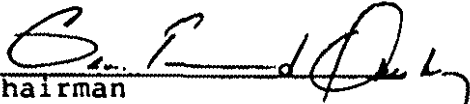
The information sought to be protected could be used by PacTel's competitors to market their services to PacTel's customers. Therefore, disclosure of the information is likely to cause PacTel competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

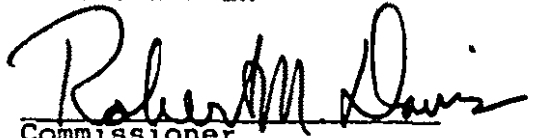
IT IS ORDERED that the customer information furnished in response to the Commission's Order of December 11, 1992, which PacTel has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 13th day of January, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director