

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF HORIZON CELLULAR )  
TELEPHONE COMPANY OF SPENCER, L.P., )  
A DELAWARE LIMITED PARTNERSHIP, FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO )  
PROVIDE DOMESTIC PUBLIC CELLULAR )  
RADIO TELECOMMUNICATIONS SERVICE TO )  
THE PUBLIC IN THE KENTUCKY RURAL )  
SERVICE AREA WHICH INCLUDES )  
SPENCER, NELSON, ANDERSON, HARDIN, )  
WASHINGTON, MERCER, LARUE, MARION, )  
GREEN AND TAYLOR COUNTIES IN )  
KENTUCKY; FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO )  
CONSTRUCT A CELL SITE IN )  
ELIZABETHTOWN, KENTUCKY; AND FOR )  
ESTABLISHMENT OF INITIAL RATES )

CASE NO. 92-485

O R D E R

This matter arising upon petition of Horizon Cellular Telephone Company of Spencer, L.P. ("Horizon Cellular") filed November 16, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its Business Plan and its Schedule of Indebtedness filed in support of its application on the grounds that disclosure of the information is likely to cause Horizon Cellular competitive injury, and it appearing to this Commission as follows:

As part of its application for a Certificate of Public Convenience and Necessity to provide cellular telecommunications service, Horizon Cellular has submitted its Business Plan and its Schedule of Indebtedness. Horizon Cellular maintains that this

information should be protected from public inspection on the grounds that disclosure is likely to cause it competitive injury.

The information sought to be protected is treated as confidential by Horizon Cellular. Distribution of the information is limited to those employees of Horizon Cellular who need access in order to conduct the company's business.

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 Business Plan and Schedule of Indebtedness reveals Horizon Cellular's costs of doing business, the acquisition costs of its FCC permit, the financing costs associated with the acquisition, and the financing costs to be incurred in constructing and operating the second phase of its cellular system. This information would enable Horizon Cellular's competitors to learn

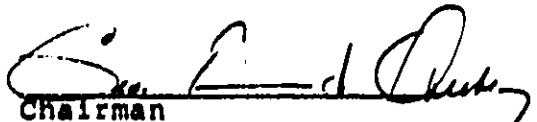
Horizon Cellular's costs and use that information to structure competing rates and services to the detriment of Horizon Cellular. Therefore, the information has competitive value and should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the Business Plan and the Schedule of Indebtedness, which Horizon 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 1st day of June, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director