

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE)
REASONABLENESS OF THE EARNINGS OF) CASE NO. 92-563
BRANDENBURG TELEPHONE COMPANY, INC.)

O R D E R

This matter arising upon petition of Brandenburg Telephone Company, Inc. ("Brandenburg Telephone") filed July 7, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its response to the Commission's Order of May 4, 1993 as contained in Attachment A.2.b. on the grounds that disclosure of the information is likely to cause competitive injury, and it appearing to this Commission as follows:

In its Order of May 4, 1993, the Commission requested that Brandenburg Telephone furnish the intrastate interLATA access charge billings to all toll carriers utilizing its facilities during certain periods. Brandenburg Telephone maintains that its response to the request would reveal each toll carrier's most lucrative market in the Brandenburg Telephone service area which competing toll carriers could use in marketing their services.

The information is not known outside of Brandenburg Telephone and is known only to those employees and consultants of Brandenburg Telephone who have a need to know the information. Brandenburg Telephone takes all reasonable steps and precautions to safeguard the information from public disclosure.

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 injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Ordinarily, to qualify for exemption it must be demonstrated that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. In this case, however, disclosure of the information would not have a detrimental effect upon Brandenburg Telephone. Instead, Brandenburg Telephone alleges that disclosure of the information would have a detrimental effect upon the competing toll carriers who provide service to customers in Brandenburg Telephone's service area. The information, however, does not identify the toll carriers providing service and is too general to be of competitive value. Therefore, the petition should be denied.

This Commission being otherwise sufficiently advised,

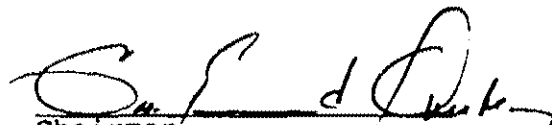
IT IS ORDERED that:

1. The petition to protect as confidential the information contained in Attachment A.2.b. of Brandenburg Telephone's response to the Commission's Order of May 4, 1993 be and is hereby denied.

2. The information sought to be protected from disclosure shall be held as confidential and proprietary 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 12th day of August, 1993.


PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:



Executive Director