

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CALL HOME AMERICA, INC.)	
_____)	
ALLEGED VIOLATION OF KRS 278.020)	CASE NO. 93-017
AND KRS 278.160)	

O R D E R

This matter arising upon petition of Call Home America, Inc. ("Call Home"), filed May 5, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the customer names and addresses for which refunds were ordered on the grounds that disclosure of the information is likely to cause Call Home competitive injury, and it appearing to this Commission as follows:

In response to the Commission's Order of March 12, 1993, Call Home has filed a list of the names and addresses of the customers to whom Call Home was directed to make refunds. By this petition Call Home seeks to protect the information as confidential on the grounds that disclosure is likely to cause competitive injury.

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.


Call Home competes with all certificated carriers authorized to provide telecommunication service. Such competitors could use the information to solicit Call Home's customers and attempt to obtain their business. Therefore, disclosure of the information is likely to cause Call Home competitive injury and the information should be protected as confidential.

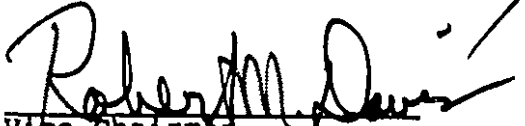
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the identity of the customers furnished in response to the Commission's Order of March 12, 1993, which Call Home 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 19th day of May, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director